

## Proof of Evidence – Heritage.

Fields OS 6700, 6722 & 5200, Muston Lane, Easthorpe.

Appeal by JBM Solar Projects 10 Ltd.

Date: 13/08/2024 | Pegasus Ref: P19-2022

PINS Ref: APP/Y24430/W/24/3340258

LPA Ref: 22/OO537/FUL

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# 1. Author's Background.

- 1.1. My name is Hannah Armstrong. I am a full member of the Institute for Historic Building Conservation (IHBC) and an Associate of the Chartered Institute for Archaeologists (CIfA). I have a BA Honours degree in Archaeology from the University of Bristol and a Master of Science in the Conservation of Historic Buildings from the University of Bath. I have over twelve years' experience working in the heritage sector.
- 1.2. I have acted as a heritage consultant on numerous developments in England, Scotland and Wales, both on behalf of developers and reviewing their work for other parties. I provide advice to clients on heritage assessments and planning strategy. My role necessitates close liaison with heritage stakeholders such as Historic England and Local Authority heritage officers.
- 1.3. The assessment of the significance of heritage assets, and important elements of their 'setting', is an area which I have particular expertise, and I have completed many specialist assessments of historic buildings, Conservation Areas and designed landscapes, and their 'settings'.
- 1.4. I have been employed by Pegasus Group since February 2016, and my position is that of Director.
- 1.5. I was not involved with Planning Application Ref. 22/00537/FUL prior to submission or during the determination of the application, and I was not the author of the Environmental Statement Chapter or Technical Appendix pertaining to the historic environment.
- 1.6. I have visited the Appeal Site and its surroundings on three occasions – 22<sup>nd</sup> November 2023, 17<sup>th</sup> July 2024 and 18<sup>th</sup> July 2024. During these site visits, the designated heritage assets which are the subject of this Appeal were visited (in so far as access allowed) *and* assessed from within their environs.
- 1.7. The evidence which I have prepared and provided for this Appeal has been prepared and given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true professional opinions, irrespective of by whom I am instructed.

## 2. Introduction.

- 2.1. This Heritage Proof of Evidence has been prepared on behalf of JBM Solar Projects 10 Ltd (the 'Appellant') following the refusal by Melton Borough Council (henceforth referred to as 'MBC') to grant Planning Permission for the installation of a solar farm at Fields OS 6700 6722 and 5200 Muston Lane, Easthorpe (the 'Appeal Site').
- 2.2. Planning Application Ref. 22/00537/FUL was submitted to, and validated by, MBC on 1<sup>st</sup> April 2022. The application sought Full Planning Permission for the "*Construction of a Solar Farm together with all Associated Work, Equipment and Necessary Infrastructure.*"
- 2.3. The scheme was presented to the MBC Planning Committee on 20<sup>th</sup> June 2023 with an Officer recommendation for approval. With regards to the Heritage matters, MBC Officers were content that any harm that may arise to the historic environment would be outweighed by the public benefits of the scheme.
- 2.4. The MBC Planning Committee resolved to refuse the application on four grounds. The resulting decision notice was issued on 11<sup>th</sup> September 2023, with Reason for Refusal 4 pertaining to Heritage matters. Reason for Refusal 4 reads as follows:

***"In the opinion of the local planning authority, the proposal would result in an unacceptable impact on the setting of the heritage assets in the vicinity of the proposal (including, but not limited to, Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II\* listed buildings and three scheduled monuments) which cannot be adequately mitigated. The proposal is considered to damage the setting and the appreciation of the heritage assets and their appreciation in the landscape which should be considered as a wider vista in the context of Belvoir Castle and the Vale of Belvoir. The benefits in reducing carbon emissions are therefore not considered to outweigh the harm to the heritage assets. The proposal is therefore considered to be contrary to policies SS1, EN1, EN10, EN13 and D1 of the Melton Local Plan, and Bottesford Neighbourhood Plan Policy 9."***

- 2.5. Following the submission of the Appeal to the Planning Inspectorate, and prior to the receipt of the Statement of Case of MBC, minor amendments to the scheme were proposed and submitted to MBC and relevant parties for consultation (under a 'Holborn Amendment').
- 2.6. Within their following up note to the Case Management Conference (henceforth referred to as the 'June 2024 CMC') held on 24<sup>th</sup> June 2024, the Inspector confirmed that due to the consultation process they did not consider that there would be any prejudice in taking the amended scheme into account at the Inquiry.<sup>1</sup> Accordingly, my evidence shall consider the scheme submitted under the 'Holborn Amendment'.
- 2.7. The Statement of Case of MBC (henceforth referred to as the 'MBC SoC') was received on 17<sup>th</sup> May 2024. Following receipt of the MBC SoC, the Appellant requested clarification from MBC in regard to their Heritage case. Specifically, clarification was sought with regards to which

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<sup>1</sup> CD 10.4.

heritage assets MBC considered would be sensitive to the proposals, and MBC's case on 'glint and glare' impacts in respect to identified heritage assets at Belvoir Castle.<sup>2</sup>

- 2.8. A response from Heatons on behalf of MBC was received on 17<sup>th</sup> June 2023;<sup>3</sup> however, as raised during the June 2024 CMC, there remained some ambiguity as to which heritage assets MBC considered would be sensitive to the proposals, and the level of harm arising. Accordingly, confirmation on such matters was requested by the Inspector at the June 2024 CMC.
- 2.9. Submissions provided by MBC's Heritage witness, Mr Tim Malim, on 15<sup>th</sup> July 2024<sup>4</sup> were not considered by the Appellant to provide the requested information and thus further clarification was once again sought from MBC by the Appellant via the Planning Inspectorate.<sup>5</sup>
- 2.10. A letter received by Heatons on behalf of MBC on 29<sup>th</sup> July 2024<sup>6</sup> confirmed that it was MBC's case that the following heritage assets would be sensitive to the proposals and the degree of harm that they considered to be caused to their overall heritage significance, via a change in 'setting'.
- Grade I Listed Belvoir Castle.
  - Grade II\* Registered Park and Garden (henceforth referred to as 'RPG') at Belvoir Castle.
  - Belvoir Castle Conservation Area.
  - Grade I Listed Church of St Mary, Bottesford.
  - Scheduled Moated Grange with Fishpond, Muston.
- 2.11. The July 2024 letter from Heatons confirmed that MBC considered the harm arising the identified heritage assets at Belvoir Castle and the Church of St Mary, Bottesford to be at the 'mid-point' of the less than substantial harm spectrum (in the phraseology utilised by Heatons) and at the lower end of the less than substantial spectrum in respect of the Scheduled Moated Grange with Fishpond, Muston.

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<sup>2</sup> CD 10.1.

<sup>3</sup> CD 10.2.

<sup>4</sup> CD 10.8 & CD 10.9.

<sup>5</sup> CD 10.10.

<sup>6</sup> CD 10.12.



- 2.12. The July 2024 letter from Heatons also confirmed that potential impacts on the following heritage assets no longer formed part of the case of MBC despite them being inferred to by the wording of the Reason for Refusal and mentioned within the LPA SoC and June 2024 letter from Heatons:
- Grade II\* Listed Church of St John the Baptist, Muston.
  - Scheduled and Grade II\* Listed Village Cross, Muston.
  - Scheduled Shifted Medieval Village Earthworks and Moat, Easthorpe.
- 2.13. Accordingly, my evidence is focused upon the designated heritage assets referred to at Paragraph 2.10 above, which form the case of MBC, and the Grade II\* Listed Church of St John the Baptist, Muston to which I consider a degree of harm would arise. I concur with the position of MBC that no harm would arise to the Grade II\* Listed and Scheduled Village Cross, Muston and the Scheduled Shifted Medieval Village Earthworks and Moat, Easthorpe.
- 2.14. The Statement of Case of Bottesford Parish Council (henceforth referred to as 'BPA SoC') was received on 29<sup>th</sup> May 2024.<sup>7</sup> With regard to Heritage matters, the BPA SoC makes reference to impacts of the proposed development on Belvoir Castle and the Church of St Mary, Bottesford. It has been confirmed that Bottesford Parish Council will not be appearing as a 'Rule 6 Party' at the Inquiry;<sup>8</sup> however, by virtue of the case of MBC matters pertaining to Belvoir Castle and the Church of St Mary, Bottesford are address within my Evidence.
- 2.15. The evidence presented within this Heritage Proof of Evidence is supported by the information provided within the Heritage Proof of Evidence Appendices document. Relevant appendices will be referred to within this document as 'Heritage PoE Appendix 'X''.

## Assessment Methodology

- 2.16. The full methodology utilised in the preparation of this Proof of Evidence is provided at Heritage PoE Appendix 1.

## Summary of My Position

### Grade I Listed Belvoir Castle

- Whilst the proposed development would result in change in the wider vicinity of Belvoir Castle, it would represent the ongoing evolution of the economic base of the asset, which has support of the Belvoir Estate and is situated within a working and changing landscape some distance from Belvoir Castle and its designed landscape.
- The proposed development would only be visible from a select number of rooms within Belvoir Castle and from the not commonly accessed roof, and will only have limited visibility in views from close to the asset. Views from within the designed

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<sup>7</sup> CD 9.4.

<sup>8</sup> Bottesford Parish Council withdrew as a Rule 6 Party on 19<sup>th</sup> June 2024.

landscape associated with Belvoir Castle in conjunction with Belvoir Castle are also limited.

- It should also be noted that the iteration of Belvoir Castle present today was not a defensive structure. The orientation of the structure coupled with the arrangement of designed planting contemporary with the non-defensive later phases suggests that there are no designed views due north in the direction of the Appeal Site associated with the current 'iteration'.
- The proposed development would result in a change to incidental views of Belvoir Castle in views from Appeal Site and, in the majority of views, the change would be limited to a change in the character of the foreground, with Belvoir Castle remaining understood as a residence of status set amongst designed planting on an area of high ground. The proposed development would introduce a new publicly accessible area from which to dwell and view Belvoir Castle, accessible from the surrounding PRow network and the Grantham Canal. Visibility of the proposed development in-conjunction with Belvoir Castle from the wider landscape beyond the Appeal Site would be limited.
- Taking the nature of change into account, and that the significance of the asset is primarily derived from its physical form; that elements of its setting that make a greater contribution to its significance will not be harmed; and that the Appeal Site is only part of wider incidental views to and from the asset, **harm can only be considered to be less than substantial and at the lower end of that spectrum**. The harm identified would be removed on the decommissioning of the solar farm

## Grade II\* RPG at Belvoir Castle

- The far southern part of the Appeal Site falls within a periphery area included on Brown's plan of 1780; however, the area did not form part of the designed grounds or parkland planned by Brown. It simply formed part of the surrounding agricultural and industrial land to which Brown sought to create a physical and visual separation, and thus mapped as such. Furthermore, the area was severed from the remainder of the area detailed by Brown by the Grantham Canal in the 1790s and amalgamated into the wider field system to the north.
- Although forming part of the Belvoir Estate, the resulting functional, associative and economic connection does not contribute to the historic interest of the RPG to same extent as it does to the Listed Building of Belvoir Castle due to the differences between the two assets and their role in the Estate. This position is in accordance with that established under the *Steer Judgement*.<sup>9</sup>
- Accordingly, it is my position that the Appeal Site forms part of the 'setting' of the RPG at Belvoir Castle which makes a limited, at most, contribution to the overall heritage significance of the asset. Any such contribution is derived purely from the incidental views towards the northern part of the designation from within the Appeal Site, and the manner to which they contribute to the understanding of the designed

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<sup>9</sup> Catesby Estates Ltd v. Steer, EWCA Civ 1697, 2018 – CD 6.1.

planting north of Belvoir Castle, only. No contribution is considered to derive from the inclusion of the far southern part of the Appeal Site on Brown's plan. Irrespective, the element of the Appeal Site which is detailed on Brown's plan would not be subject to change as part of the proposed development with panels to be excluded from this area.

- The proposed development would be visible from isolated parts of the RPG; however, it would be viewed as a change within the working landscape some distance from Belvoir Castle and the designed landscape. The ability to see the proposed development would not alter the overall design intent of the designed landscape, nor the understanding and experience of the spatial and visual relationships between Belvoir Castle and its designed gardens and parkland.
- The proposed development would result in a change to the very limited experience of the northern edge of the RPG from within the bounds of the Appeal Site and some isolated elements of the wider landscape beyond the bounds of the Appeal Site. However, the overall understanding and experience of the RPG is limited to the appreciation of the designed planting to the north of Belvoir Castle which the structure is nestled amongst.
- Taking the nature of change into account, and that the significance of the asset is primarily derived from the designed elements within its bounds and the lack of design intent associated with the Appeal Site and the Brownian landscape, **harm can only be considered to be less than substantial and at the lower end of that spectrum, with this taking a precautionary approach.** The harm identified would be removed on the decommissioning of the solar farm

## Belvoir Castle Conservation Area

- Any contribution made by the Appeal Site to the Conservation Area, via 'setting', is derived from the contribution which it makes to the individual heritage assets located within the bounds of the asset – in this case solely related to the understanding, experience and appreciation of Belvoir Castle and the RPG. Accordingly, any potential impacts to the asset, via a change in 'setting' would derive solely from the change to the understanding, experience and appreciation of Belvoir Castle and the RPG, and in turn the contribution which these assets make to the overall heritage significance of the Conservation Area.
- When taking into account the heritage significance of the designation as a whole, and the nature of the resulting change, the harm arising to the Conservation Area, via a change in 'setting', can only be considered to be at the **lower end of less than substantial**. The harm identified would be removed on the decommissioning of the solar farm

## Grade I Listed Church of St Mary, Bottesford

- Whilst the proposed development would result in a change to incidental views of the Church of St Mary in views from the Appeal Site, in the majority of views the change would be limited to the foreground of the asset only. This would also be the case in changes to views of the asset from the wider landscape to the south, including from Belvoir Castle. The resulting change to the foreground of an incidental view, some

distance from the asset and its associated settlement, would not alter the understanding of the Church spire as a way marker in the landscape.

- Views of the Church of St Mary would be removed from certain locations within the Appeal Site; however, in considering the loss of such views their incidental nature is reiterated, alongside the kinetic manner to which the Church is experienced from within the surrounding landscape.
- Taking the nature of change into account, and that the significance of the asset is primarily derived from its physical form; that elements of its setting that make a greater contribution to its significance will not be harmed; and that the Appeal Site is only part of wider incidental views to the asset from far beyond its associated settlement, **harm can only be considered to be less than substantial and at the lower end of that spectrum**. The harm identified would be removed on the decommissioning of the solar farm

## Scheduled Moated Grange, Muston

- The proposed development would not be visible from within the bounds of the Scheduled area, nor is there considered to be opportunity to legibly experience the proposed development and the Scheduled Monument within the same view from the surrounding landscape. Furthermore, based upon the lack of any definitive historic functional or associative connections, and the clear physical separation which is present, the proposed development would not alter the understanding and experience of the Scheduled Grange site in a 'non-visual' manner.
- Based upon the above, and that the significance of the asset is primarily derived from the visible earthworks and below ground remains within the Scheduled area; and that elements of its setting that make a greater contribution to its significance will not be harmed, **I do not consider that harm would arise to this asset, via a change in 'setting'**. The harm identified would be removed on the decommissioning of the solar farm

## Grade II\* Listed Church of St John the Baptist, Muston

- Whilst the proposed development would result in a change to incidental views of the Church of St John the Baptist in views from the Appeal Site, in the majority of views the change would be limited to the foreground of the asset only. The resulting change to the foreground of an incidental view, some distance from the asset and its associated settlement, would not alter the understanding of the Church as a way marker in the landscape.
- Taking the nature of change into account, and that the significance of the asset is primarily derived from its physical form; that elements of its setting that make a greater contribution to its significance will not be harmed; and that the Appeal Site is only part of wider incidental views to the asset from far beyond its associated settlement, **harm can only be considered to be less than substantial and at the lower end of that spectrum**. The harm identified would be removed on the decommissioning of the solar farm

### 3. The Appeal Proposals and Scheme Evolution.

- 3.1. Planning Permission is sought for the construction of a solar farm, associated equipment and necessarily infrastructure within the Appeal Site.
- 3.2. The scheme as submitted to MBC in April 2022 – as detailed on DWG No. P19-2022\_10 Revision L<sup>10</sup> – had been developed in response to Pre-Application engagement with both MBC and Historic England. With specific regards to the consideration of the historic environment, when compared to the iterations of the scheme submitted at Pre-Application stage, the redline and location of proposed solar panels had been pulled away from Easthorpe Lane, the settlement of Muston and the site of the Scheduled 'Moated grange with fishpond at Muston' in particular via the exclusion of solar panels from Fields 14, 15 and 19, and part of Field 9. Additional landscaping was also proposed within the Appeal Site, when compared to the previous iterations of the scheme.
- 3.3. The changes made are detailed within the Design Evolution Report,<sup>11</sup> with excerpts relevant to the consideration of Easthorpe Lane, Muston and Scheduled Monument detailed at Plate 1.
- 3.4. Further amendments were made to the scheme during the determination of the application. The final iteration of the scheme, upon which MBC made their decision in September 2024, was detailed on DWG No. P19-2022\_10 Rev Q.<sup>12</sup> When compared to the scheme submitted in April 2023, a total of 7.63 acres of solar panel had been removed from the Site, principally located within the eastern (in proximity to Muston) and central areas – see the Design Evolution Report<sup>13</sup> and Plate 1.



Plate 1: Evolution of the positioning and extent of solar panels in the vicinity of Easthorpe Lane and Muston from the 2021 pre-application submission (left), the original April 2022 submission (centre) and the scheme refused by MBC in September 2023 (right).

<sup>10</sup> CD 1.32-4.

<sup>11</sup> CD 10.13.

<sup>12</sup> CD 1.12.

<sup>13</sup> CD 10.13.

- 3.5. Following the submission of the Appeal to the Planning Inspectorate, and prior to the receipt of the Statement of Case of MBC, minor amendments to the scheme were proposed and submitted to MBC and relevant parties for consultation (under a 'Holborn Amendment'). The 'Holborn Amendment' is detailed on DWG No. P19-2022\_24 Rev C.<sup>14</sup>
- 3.6. With regard to the consideration of the historic environment, the following changes are noted between the scheme on which MBC based their decision<sup>15</sup> and the 'Holborn Amendment':
- The extent of solar panels in Field 13, located in the southwest corner of the Appeal Site, was reduced by c.2.2ha. The location of the removed solar panels was carefully considered in order to retain views towards Belvoir Castle from the Public Right of Way (PRoW) which runs north / south along the western boundary of the Appeal Site in this location.
  - The removal of the solar panels, alongside the relocation of the orchard tree planting, in Field 13, has also resulted in the creation of a new publicly accessible recreational area which affords clear views towards Belvoir Castle. This publicly accessible recreation area, which would include picnic seating, is accessible from the surrounding PRoW network, including from the PRoW along the Grantham Canal. Information boards are proposed within the publicly accessible recreational area.
- 3.7. Accordingly, it is my opinion that the evolution of the scheme demonstrates that the Appellant has sought to minimise and / or remove potential impacts on the surrounding historic environment, as applicable and where possible, in line with §201 of the NPPF.
- 3.8. As confirmed in Section 2, my evidence considers the scheme submitted under the 'Holborn Amendment', as detailed on DWG No. P19-2022\_24 Rev C.<sup>16</sup>

## Consideration of Submitted Photomontages in the Context of the Evolution of the Scheme

- 3.9. As originally submitted to MBC, the supporting appendices of the Environmental Statement (ES) included 14no. photomontages depicting the proposals, included within the Cultural Heritage and Landscape appendices.<sup>17</sup> These are referred to in my evidence as 'Heritage Viewpoints' and 'Landscape Viewpoints' respectively.
- 3.10. A further 6no. *Heritage Viewpoints* were included within the Cultural Heritage appendix<sup>18</sup> for which photomontages were not provided due to modelling confirming a lack of visibility of the proposed development. Where this is the case, it is clearly set out within the accompany text.

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<sup>14</sup> CD 2.2.

<sup>15</sup> CD 1.12.

<sup>16</sup> CD 2.2.

<sup>17</sup> CD 1.33-7 & CD 1.33-6 respectively.

<sup>18</sup> CD 1.33-7.

- 3.11. Although the photomontages for the *Heritage* and *Landscape* Viewpoints have not been subject to revision (either in relation to the revisions secured under DWG No. P19-2022\_10 Rev Q or the minor changes proposed under the '*Holborn Amendment*'), they remain a valuable source for the understanding of visual change. Accordingly, I have undertaken a review of the photomontages against the changes secured under DWG No. P19-2022\_10 Rev Q and proposed under the '*Holborn Amendment*' in order to determine any change that the revision may in the visibility of the proposed development within the relevant views.
- 3.12. The results of my review are provided at Heritage PoE Appendix 2.
- 3.13. Based upon my review and understanding of potential changes to the extent of visibility, it is considered that there is no reason that the photomontages should not be considered as suitable sources for the purpose of this Appeal.
- 3.14. Four further photomontages were submitted under the '*Holborn Amendment*' with these focusing on the proposed changes in Field 13 of the Appeal Site.<sup>19</sup> These utilise new 'viewpoint locations' and do not supersede any photomontages submitted under the planning application. These are referred to as the '*Holborn Viewpoints*' within my evidence.
- 3.15. As a note, with regard to all photomontages, it is my understanding that the solar panels are depicted as they would be angled first thing in the morning and not at the time of day which the photographs are recorded as taken.
- 3.16. With regards to the manner to which new landscaping and the management of existing and proposed landscaping is detailed within the photomontages, it is understood that this is responds to the following:
- The landscaping detailed on the relevant plans; and
  - The assumption that hedgerows would be managed to a height of 3m.
- 3.17. It is understood that if deemed appropriate and required, that there is scope for the hedgerows to be managed at 2m. This will be discussed within my Proof of Evidence as applicable; however, it is also noted that there are no planning restrictions associated with management of the existing hedgerows.

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<sup>19</sup> CD 2.4.

## 4. Identified Designated Heritage Assets at Belvoir Castle.

4.1. As set out in Section 1 of my Evidence the only heritage assets at Belvoir Castle which have been identified by the parties as having the potential to be sensitive to the Appeal proposals are:

- Grade I Listed Belvoir Castle.
- Grade II\* Registered Park and Garden (RPG) at Belvoir Castle.
- Belvoir Castle Conservation Area.

4.2. The key issues associated with the above heritage assets are as follows:

- What is the heritage significance of the identified heritage assets, including any contribution made by its 'setting'.
- What contribution is made by the Appeal Site to the overall heritage significance of the identified heritage assets, if any.
- What change would occur as a result of the Appeal proposals in terms of how the identified heritage assets are understood, experienced and appreciated, and how any harm will arise to their overall heritage significance of the identified heritage assets as a consequence of the change.

4.3. Belvoir Castle will be considered first, following by a discussion on the RPG and Conservation Area.

4.4. Background information on the identified heritage assets at Belvoir and their 'context' which supports the assessments presented in this Section are provided at Heritage PoE Appendix 3.

### Grade I Listed Belvoir Castle

4.5. Belvoir Castle is located c.2.1km south of the Appeal Site, at its closest point, at the eastern edge of a ridge on the southern side of the Vale of Belvoir. Intervening areas principally comprise agricultural land and the course of the Grantham Canal, with designed planting enclosing Belvoir Castle in the direction of the Appeal Site (situated due north of Belvoir Castle). The location of Belvoir Castle in relation to the Appeal Site is provided at Plate 2.

4.6. Whilst a structure has been sited in the location of Belvoir Castle since the Norman period, the current Castle is the fourth iteration of built form on the site. Whilst the first two iterations served as defensive structures, the third and fourth iterations of the Castle were built solely for domestic rather than defensive purposes. Indeed, it is my understanding that the 8<sup>th</sup> Earl of Rutland (who had reluctantly agreed to the demolition of the second castle)



was only granted permission to build the new residence on the condition that it could not be 'defended'.<sup>20</sup>

- 4.7. The 17<sup>th</sup>-century third 'Castle' was subject to extensive rebuilding and remodelling in the 19<sup>th</sup> century, and it is the updated domestic residence which resulted from such works which characterises the structure (the four 'Castle') seen today. Whilst elements of the 19<sup>th</sup>-century structure include architectural detailing which can be characterised as 'medieval castle revival' in the form of the towers and 'battlements', such elements are solely decorative with no defensive role.
- 4.8. The above is an important consideration when considering views from and to Belvoir Castle, and the contribution which they make to the understanding, experience and appreciation of the iteration of the asset that now exists, and was subject to designation in 1953.

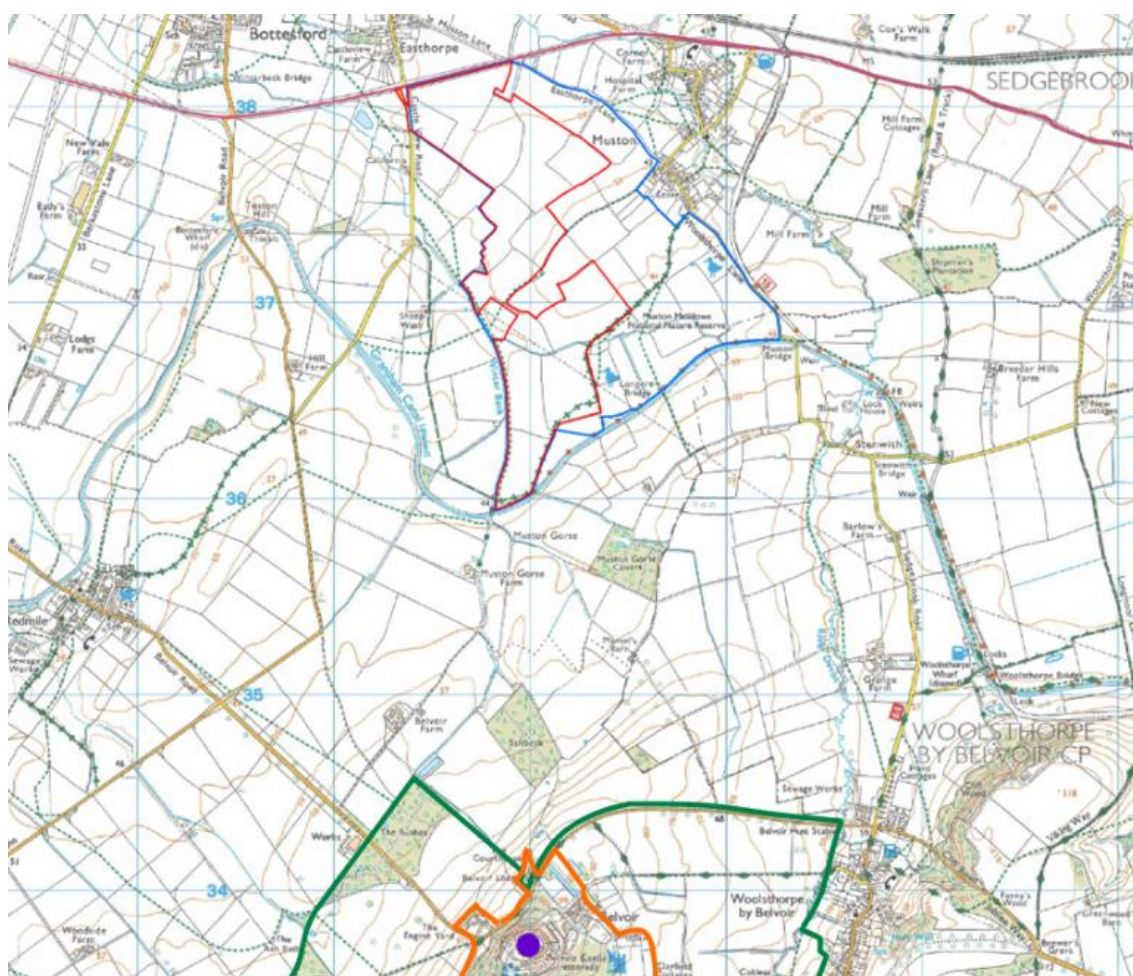


Plate 2: Map detailing the location of Belvoir Castle (purple) in relation to the Appeal Site (red line). The northern boundary of the RPG is demonstrated by the green line and the northern boundary of the Conservation Area by the orange line. The full extent of the RPG and Conservation Area designation is provided within Heritage PoE Appendix 3 and 3A.

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<sup>20</sup> 'The Duchess' podcast by the Duchess of Rutland. Series 4, Episode 2 (06.04.2023) 'Belvoir Special Ep 2: Architecture & History'.



*Plate 3: Belvoir Castle as seen from the west from the approach to the principal entrance via the portico (July 2024).*



*Plate 4: The southwest elevation of Belvoir Castle as seen from the rose garden (July 2024).*



*Plate 5: View of the southeast elevation (containing the private apartments) from the terraced gardens (July 2024).*



*Plate 6: The entrance portico and wider elements of the northwest elevation as seen from west. Note the blocked-in windows on the tower (July 2024).*

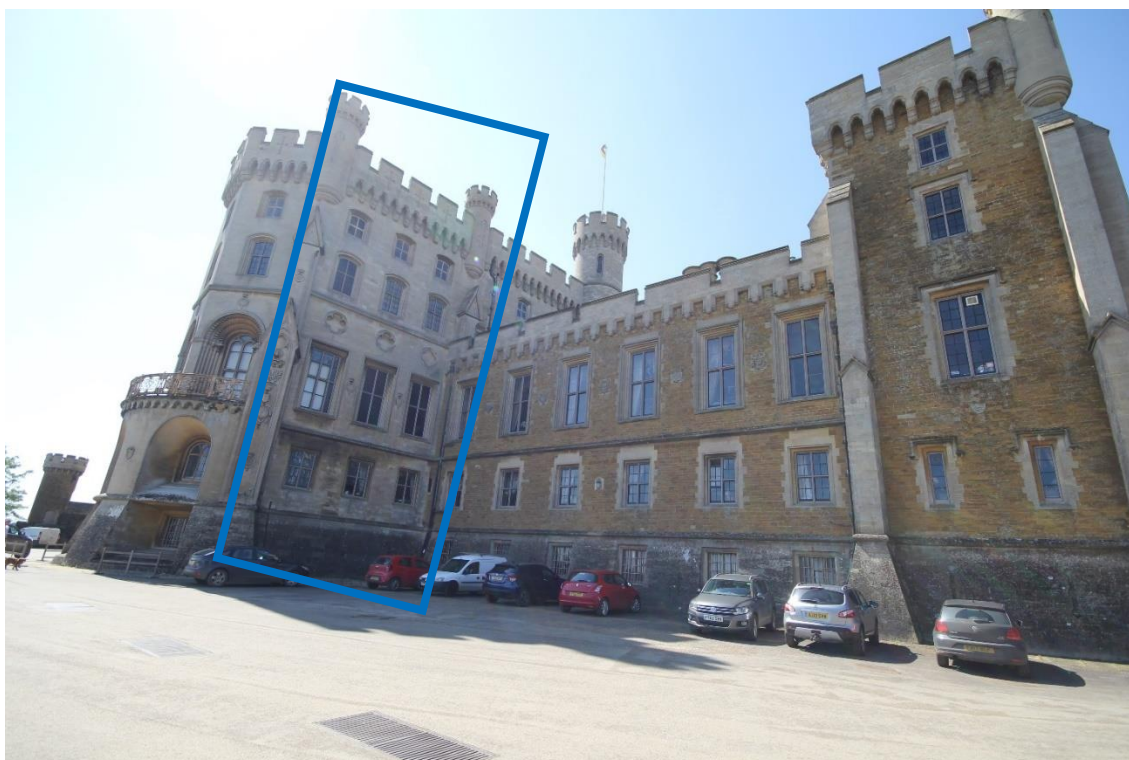


Plate 7: The northeast elevation as seen from the terrace to the north. The north facing elevation of Thoroton's Tower is highlighted blue for reference (July 2024).

## Statement of Significance

- 4.9. In summary, the heritage significance of Belvoir Castle is principally derived from the architectural, historic, aesthetic and archaeological interest of its physical fabric as an example of post-medieval aristocratic residence, developed on the site on an earlier defensive structure.
- 4.10. The 'setting' of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its physical fabric. The principal elements of the physical surrounds and experience of the asset (its "setting") which I consider contribute to its heritage significance comprise:
- The spatial and visual relationships (as they exist) between Belvoir Castle and associated designated heritage assets within bounds of the complex associated with the domestic residence. Such relationships contribute to the understanding and experience of Belvoir Castle in relation to its wider complex and the operation of such areas.
  - The spatial and visual relationships between Belvoir Castle and the designed gardens within which it is situated, and the experience and the appreciation of Belvoir Castle from these locations. It is from within these areas, in particular the immediate gardens, that the architectural detailing and form of Belvoir Castle is best understood and appreciated. Such relationships also contribute to the understanding and experience of the development of Belvoir Castle as a solely domestic building from the 17<sup>th</sup> century onwards.

- The spatial and visual relationship between Belvoir Castle and wider designed parkland, which principally lies to the south and east of Belvoir Castle as indicated by the boundary of the RPG. Such views allow for an understanding and experience of Belvoir Castle from within a landscape which was designed to respond to the design and experience Belvoir Castle as a domestic building.
- The experience and appreciation of Belvoir Castle from the approach via the historic principal formal approach and from the secondary approach, now known as Jubilee Drive.
- Outward views from Belvoir Castle across the Vale of Belvoir and the contribution which these make to the understanding and appreciation of the strategic siting of built form in this location, specifically with regards to the evolution of the site from an earlier defensive position and the demonstration of wealth associated with the later domestic residences. It should, however, be noted that the orientation and extent of outward views is influenced by the orientation of Belvoir Castle itself and established designed planting which has been introduced since at least the 18<sup>th</sup> century.
- Views towards Belvoir Castle from the Vale of Belvoir to the north, with these also contributing to the understanding and appreciation of the strategic siting of built form in this location, specifically with regards to the evolution of the site from an earlier defensive position and the demonstration of wealth associated with the later domestic residences. It should, however, be noted that the ability to view of Belvoir Castle from this location is extensive, with the quality of the views varying. No specific designed vantage points from the north have been identified.

4.11. The associative and functional relationship between Belvoir Castle, as the 'seat' of the Belvoir Estate, and the landholdings associated with the Belvoir Estate are also considered to contribute to the heritage significance via the contribution which they make historic, economic and social interest of the asset. Such relationships are considered to be of most interest where the connection with the Belvoir Estate is retained and meaningfully understood, *and* Belvoir Castle can be experienced to a meaningful degree from within the relevant area. This position in line established via the *Steer* judgement,<sup>21</sup> as discussed further below. However, when considered alongside all relevant matters, it is my position that the contribution made by such associative and functional relationships is less than that asset derived from the elements of 'setting' set out above.

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<sup>21</sup> *Catesby Estates Ltd v. Steer*, EWCA Civ 1697, 2018 – CD 6.1.



*Plate 8: View towards Belvoir Castle from the parkland c.1.4km to the southeast with the lake seen in the foreground (July 2024).*



*Plate 9: View towards Belvoir Castle from Jubilee Drive, c.1km northeast of Belvoir Castle (November 2023).*



*Plate 10: View towards Belvoir Castle from the junction of Cliff Road and Hillside Road, Woolsthorpe, c.1.6km northeast of Belvoir Castle (November 2023).*



*Plate 11: View towards Belvoir Castle from Castle View Road, c.4km south of Belvoir Castle (July 2024).*



*Plate 12: View towards Belvoir Castle from Easthorpe Lane, c.4.3km south of Belvoir Castle (July 2024).*



*Plate 13: View towards Belvoir Castle from bridge crossing the Grantham Canal on Woolsthorpe Lane, c.3.1km northeast of Belvoir Castle (July 2024).*



## Contribution Made by the Appeal Site

### Historic Associative and Functional Connections

- 4.12. The Appeal Site forms part of the current Belvoir Estate. It is understood that much of the current estate landholdings surrounding the settlements of Muston and Bottesford were purchased using the 'naval prize money' of Lord Robert Manners, the second son of John Manners, Marquess of Granby (1758–1782).<sup>22</sup> Accordingly, it is likely that the Appeal Site, by virtue of its proximity to Muston, may have been incorporated into the estate as part of this expansion following the death of Lord Robert Manners. Irrespective, the Appeal Site is known to have formed part of the Belvoir Estate by 1849, as indicated by the Muston Tithe Map of that date.
- 4.13. Accordingly, a historic functional and associative connection exists between the Appeal Site and Belvoir Castle, as the seat of the Estate. The current, and historic, agricultural use of the Appeal Site, as operated by tenant farmers, contributes to the economy of the Estate and the historic, economic and social interest of the asset. It is, however, noted that the known functional and associative connection can be seen as arising late within the sequence of the development of Belvoir Castle, associated with the fourth iteration of the solely domestic residence and its associated estate.
- 4.14. However, as established by *Steer*,<sup>23</sup> a historic connection between the Listed seat of an Estate and an area of land within its wider estate landholdings beyond design gardens and parkland is not necessarily sufficient for said area of land to be considered as forming part of the 'setting' of the Listed Building which contributes to its overall heritage significance. *Steer* confirms that there needs to be "*something more than this connection alone*", for example a visual connection.<sup>24</sup>

### Outward Views from Belvoir Castle and its Surrounds

- 4.15. The following provides a discussion of the views in the direction of the Appeal Site from Belvoir Castle and its immediate surrounds. When considering views across the Vale of Belvoir from the Castle and its immediate surrounds it is important to take into account the following matters:
- Whilst views of the Vale of Belvoir may once have formed an important part of the defensive role of the earlier iterations of Belvoir Castle, these were not afforded equivalent relevance in the context of the overall design of the later domestic residences, with greater emphasis placed upon the interior design and the relationship with the domestic grounds and parkland which lie to the south and southeast.
  - Where views of the Vale of Belvoir are obtainable (see further below), in the majority of cases the view is a wide- and far-reaching landscape view, and in the case of views from the roof, a panoramic one. There are no designed eye catchers in the

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<sup>22</sup> 'The Duchess' podcast by the Duchess of Rutland. Series 4, Episode 2 (06.04.2023) 'Belvoir Special Ep 2: Architecture & History'.

<sup>23</sup> *Catesby Estates Ltd v. Steer*, EWCA Civ 1697, 2018 – CD 6.1.

<sup>24</sup> *Ibid.*

wider landscape to the north associated with the design of Belvoir Castle. The landscape visible includes a variety of historic and modern landscape and townscape characteristics. The view is not devoid of 20<sup>th</sup>- and early 21<sup>st</sup>-century introductions, with wind turbines, electricity pylons, modern road infrastructure (including the A52 and A1), large industrial structures and modern settlement expansion all visible. Even the agricultural landscape which is visible is not devoid of modern intervention, with the field pattern having been subject to change when compared to historic cartographic sources. Some of the changes visible to the north are associated with changes instigated via the custodianship of the landscape by the Belvoir Estate – for example, the construction of the Grantham Canal and agricultural practices.

- The agricultural landscape visible is also naturally a dynamic one, and I have observed this first hand during my visits to Belvoir Castle and its immediate surrounds. When I visited in November 2023, much of the agricultural landscape within the vicinity of Muston had been subjected to ploughing (including the Appeal Site) with this resulting in the fields having a brown colour when viewed from the north (see Plate 30). Conversely, when I visited in July 2024, the wheat planted within the Appeal Site and the surrounding area was maturing providing a shimmery green colour to the area as seen from north, visible alongside the yellow of more mature crops and dry pasture (see Plate 27). Glimpses of red poppy fields were also visible during my site visit in July 2024, and I note a history of the planting of oil seed rape around Muston identifiable by Google Earth Imagery which would have been bright yellow in appearance. This changing colour palette is characteristic of the agricultural landscape visible from Belvoir Castle and its immediate surrounds.
- Taking into account the above, the landscape to the north is a working and changing landscape, and where elements are in within the ownership of the Belvoir Estate they are 'ancillary' in use. This is in distinct contrast to the designed gardens, pleasure ground and parkland located to the south to which Belvoir Castle is situated and designed to be experienced.
- Belvoir Castle is orientated so that the 'north facing' elevations face northeast and northwest. The Appeal Site is located due north of Belvoir Castle. Accordingly, there are very few rooms in Belvoir Castle that include windows which face due north, with the only examples identified during the site visit being those on the north elevation of Thoroton's Tower (see Plate 7).
- Archival sources (see Heritage PoE Appendix 3) demonstrate that designed planting was introduced from at least the 18<sup>th</sup> century which controls and curtails the extent of outward views across the Vale of Belvoir from Belvoir Castle. Of particular note is the tree belt situated along the northwest side of the high ground to which Belvoir Castle is situated, which curtails views in this direction and screens views towards The Engine Yard (constructed in the early 19<sup>th</sup> century), the brick kilns recorded on Brown's plans of 1780 and the alignment of a later 19<sup>th</sup> century tramway. Accordingly, there would have been a desire to screen views of these industrial areas of the Estate from Belvoir Castle and its immediate surrounds (i.e., gardens and pleasure grounds).
- Furthermore, whilst the northwest elevation is the 'principal' elevation of Belvoir Castle in that it includes the principal entrance, it is not 'principal' in how it relates to, and is experienced from, the designed gardens. The area around the portico is defined by a tarmacked car park which extends to the northeast, overlooking

ancillary estate buildings. Outward views to the northwest are screened and filtered. It is also noted that there are numerous blocked-in openings on this elevation (Plate 6), indicating that outward views in this direction were not necessarily of the highest priority. It is acknowledged that, as raised by MBC in the LPA SoC, the 'King's Rooms' are located on the northwestern side of the Castle, and I address this matter further below.

- Archival sources and modern aerial photographs demonstrate that views from the northeast elevation, and the terrace to the north, across the Vale were / are primarily directed and controlled in said direction by the designed planting, with the eye of the viewer drawn across the stables which lie on the lower slopes and out to the wider landscape. Views from the northeast elevation, and from the terrace to the north, towards the north and northwest are screened by the aforementioned designed planting, with only glimpsed views of the wider landscape visible (albeit acknowledging that the extent of screening changes throughout the year).

4.16. In general, the extent of outward views from the northeast elevation become more encompassing as one moves higher up the building. The same is not the case for the northwest elevation. Outward views from the lower floors of the northeast elevation are screened (wholly or partially) by the high wall which bound the northern terrace and the designed planting.

#### *The Elizabeth Saloon*

- 4.17. The Elizabeth Saloon forms one of two 'state rooms' located on the northeastern side of Belvoir Castle, and comprises an opulent Baroque saloon constructed as part of the fourth iteration of the Castle during the 19<sup>th</sup> century. Although incorporating the apse of Thoroton's Tower at its northeastern end, the focus of the space remains on the opulent interiors, not outward views. Nevertheless, outward views across the Vale of Belvoir are obtainable from the windows in the apse, and the windows which flank the apse.
- 4.18. The Appeal Site is partially visible, as part of the wider landscape, in views from the windows on the north elevation of the space and also obliquely from the windows in the apse. A small stone balcony wraps around the apse, from which wide reaching views across the Vale of Belvoir, including partially to north, are available. With regard to the balcony, it is noted that there are no doors providing access (one must climb through a window) and there is limited design to its overall appearance. Accordingly, the degree to which the balcony can be considered a 'pleasure viewing point' thus needs to be taken into account.
- 4.19. Whilst views across the Vale of Belvoir in general are obtainable, the eye is naturally drawn to the northeast due to the alignment of the building, the alignment with the stable block below and the designed landscape planting.
- 4.20. As one moves into the room away from the apse, outward views become less available. It is also noted that blinds are now kept closed in order to preserve the 19<sup>th</sup>-Century interior and carpet. Thus, outward views are not readily experienced by those visiting Belvoir Castle.



Plate 14: The interior of The Elizabeth Saloon (July 2024).



Plate 15: View north from the 'balcony' accessible from The Elizabeth Saloon (July 2024). The approximate the location of the Appeal Site is indicated in orange, with this provided for illustrative purposes only.



Plate 16: View northeast from the 'balcony' accessible from The Elizabeth Saloon (July 2024).

#### *Rooms Above The Elizabeth Saloon*

- 4.21. There are two floors above The Elizabeth Saloon, with these spaces now occupied by ancillary and storage spaces. Whilst in theory outward views are similar to those obtainable from The Elizabeth Saloon (including the direction of the Appeal Site), from some locations outward views are prevented by the height of the windows openings, and the importance of the views in the context of their use should also be a consideration, i.e., they are not principal rooms.

#### *The State Dining Room*

- 4.22. The State Dining Room is located to the north of The Elizabeth Saloon and is the second of the two state rooms located on the northeastern side of Belvoir Castle. The space is decorated in an lavish Neo-Classical style, and whilst lit by four windows on the northeastern side, the focus of the design intent of the room remains very much on interior and the design does not accentuate the window openings or outward views. Due to its orientation, views from this space are focused to the northeast, with only oblique and filtered views of part of the Appeal Site identifiable. These views are partially obscured by the designed planting, with the extent of views diminishing as one moves northwards in the space due to the orientation.
- 4.23. The State Dining Room is located on the upper floor of the building in this location. Views from the lower floors are obscured by the wall which surrounds the north terrace and designed planting. The same is also the case with regard to the lower floors beneath The Elizabeth Saloon.



*Plate 17: Example of rooms in Thoroton's Tower above The Elizabeth Saloon (July 2024).*



*Plate 18: Example of rooms in Thoroton's Tower above The Elizabeth Saloon (July 2024).*



Plate 19: The interior of the State Dining Room (July 2024).



Plate 20: Oblique view to the north from the State Dining Room (July 2024). The approximate the location of the Appeal Site is indicated in orange, with this provided for illustrative purposes only.

### *Landing Between The Elizabeth Saloon and The State Dining Room*

- 4.24. An oblique view towards the north is available from the landing connecting The Elizabeth Saloon and The State Dining Room. As with the views from The State Dining Room the Appeal Site is partially visible, and filtered, in this oblique view. It is noted that whilst providing a connection between these two state rooms, the landing is not one of the principal circulation routes within Belvoir Castle and does not include a principal stair for example.



*Plate 21: Oblique view to the north from the landing between The Elizabeth Saloon and the State Dining Room (July 2024). The approximate the location of the Appeal Site is indicated in orange, with this provided for illustrative purposes only.*

### *The Chinese Bedrooms*

- 4.25. Located to the south of The Elizabeth Saloon are what are now known as 'The Chinese Bedrooms.' Accessed from the ballroom, it is understood that prior to their reorganisation and decoration in the 19<sup>th</sup> century, these rooms would have formed ante rooms to the ballroom. The focus of the design of the rooms in on their interior.
- 4.26. As with the views from The State Dining Room, due to the orientation of the building the views from The Chinese Bedrooms are principally angled to the northeast. Oblique views to the north are obtainable, with the Appeal Site partially visible amongst the wider landscape. Views to the north and northwest from these rooms are, however, more heavily obscured by the structural form of Thoroton's Tower which juts out to the south of the suite.





Plate 22: Oblique view to the north from the Chinese Bedroom (July 2024). The approximate the location of the Appeal Site is indicated in orange, with this provided for illustrative purposes only.

#### Other Spaces

- 4.27. As set out above, the suite of rooms known as 'The King's Rooms' is located on the northwestern side of Belvoir Castle, above the entrance portico. This suite of three rooms (bedroom, dressing room and sitting room) are so called because they were used by visiting members of the Royal Family, in particular George IV in the early 19<sup>th</sup> century when he was Prince Regent.
- 4.28. In regard to these spaces, the LPA SoC at §3.42 states that: *"The north side of the Castle also houses the Kings Apartments from the Prince Regent's (King George IV) visit in 1813, which strongly suggests the views from here played an important historical role. Although described as "dreary" the view over the Vale from here was described by a 19th century writer (6.23 of Heritage Statement). The Appellant's assessment does not accord this any significance, and it dismisses the impact on views from Belvoir Castle largely due to mature parkland trees screening it from the proposed development..."*
- 4.29. As discussed above (and explored in more detail below and in Heritage PoE Appendix 3), designed planting is situated on the northwest side of the high ground to which Belvoir Castle is situated, which curtails views in this direction and screens views towards historic ancillary and industrial areas. Accordingly, there would have been a desire to screen views of these industrial areas of the Estate from Belvoir Castle and its immediate surrounds (i.e., gardens and pleasure grounds). The design intent of such planting cannot be ignored and plays an important role in how the fourth iteration of Belvoir Castle was intended to relate

with its surrounds, as discussed above. Furthermore, it is my understanding<sup>25</sup> that these rooms were converted for use by the Prince Regent not due to the view which the rooms would afford, but because this was one of the few areas where three connecting rooms of a suitable size (as required by the Prince Regent) could be accommodated. Accordingly, it is my understanding that the siting of The King's Rooms was most likely one of logistics and not driven by the views afforded from this space.

4.30. As noted within the LPA SoC 19<sup>th</sup>-century source describes the outward view from The King's Rooms (as indicated at Plate 24) as '*dreary*'<sup>26</sup> and in a recent book on Belvoir Castle written by the current Duchess of Rutland she expresses surprise that the 5<sup>th</sup> Duchess '*chose the least pleasing aspect for the King's Rooms. The window look out over the porte cochere, and the north-east and north-west tower block most of a fairly dull view over the flat part of the Vale.*'<sup>27</sup>

4.31. It is noted that there are no floors above The King's Rooms to afford views 'over' the designed planting, and whilst the northwest tower to the north of the suite of rooms is higher, as demonstrated in Plate 6, the windows facing northwest from this tower have been blocked in.



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<sup>25</sup> Based upon information gathered during my visit to Belvoir Castle.

<sup>26</sup> See Heritage PoE Appendix 3.

<sup>27</sup> Duchess of Rutland, 2009, *Belvoir Castle: 1000 years of Family, Art and Architecture*, p. 128.

Plate 23: The sitting rooms of The King's Rooms (July 2024).



Plate 24: Outward view from the sitting room of The King's Rooms (July 2024).

- 4.32. Glimpsed views of parts of the Appeal Site were identifiable from windows on the north and northwest sides of the Flag Tower (located west of Thoroton's Tower); however, these small windows are to light the stairs within the tower only, with no designed intent associated with outward views from them. Furthermore, access to the upper elements of the Flag Tower is for maintenance and access to the flag pole only.
- 4.33. No views north in the direction of the Appeal Site were identifiable from other rooms visited in July 2024, with this due to the orientation of the building and/or screening provided by structural elements, elevation and tree coverage. Based upon the areas which I was able to access, it is not anticipated that views are obtainable from the areas which I was not able to access.
- 4.34. It is also noted that whilst 19<sup>th</sup>-century descriptions of Belvoir Castle describe some of the rooms discussed above, in particular The Elizabeth Saloon, discussions are focused on their interior.<sup>28</sup> Any positive references that I have found to outward views are primarily in relation to rooms which face across the designed gardens and parkland.<sup>29</sup>

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<sup>28</sup> Heritage PoE Appendix 3.

<sup>29</sup> Ibid.



*Plate 25: View north from a window of the Flag Tower (July 2024). The approximate the location of the Appeal Site is indicated in orange, with this provided for illustrative purposes only.*

#### *Views from the Roof*

- 4.35. The roof of Belvoir Castle is utilitarian in character, with access for maintenance only. There is no evidence that the roof was designed to provide a pleasure or promenade space from which to view the surrounding area, and the lack of defensive role of the current structure is reiterated. Comprehensive views of the Vale of Belvoir (including the Appeal Site) are obtainable from the roof of Belvoir Castle due to the elevated position of this part of the building in relation to the mature, designed planting. Note my earlier discussion on the content of such views.



Plate 26: View north from the roof of the State Dining Room (July 2024). The approximate the location of the Appeal Site is indicated in orange, with this provided for illustrative purposes only.

#### *Views from the Castle Complex and Designed Landscape*

- 4.36. Due to the topographical context, built form and designed planting, the areas of the immediate surrounds and associated designed landscape from which views in the direction of the Appeal Site are available, or anticipated, are limited and primarily located to the north of the Castle.
- 4.37. Extensive views across the Vale of Belvoir in general are available from the north terrace, with the orientation of the Castle and the designed planting drawing the eye primarily to the northeast. Due to the width of the north terrace, such views are only readily available from close to the boundary wall. Only minor glimpsed and restricted views towards the north, in the direction of the Appeal Site, have been identified from north terrace – see Plates 27 and 28 and *Heritage Viewpoint 9*.



*Plate 27: View northeast from the north terrace (July 2024).*



*Plate 28: View north across the north terrace (July 2024).*



Plate 29: View north from the north terrace (July 2024).

- 4.38. Plate 31 and *Heritage* Viewpoint 8 detail the nature of views in the direction of the Appeal Site from the northern edge of The Engine Yard, c.250m northwest of Belvoir Castle, with Plate 30 and *Landscape* Viewpoint 9 detailing the view from Jubilee Drive, c.6380m northeast of Belvoir Castle. These views provide a suitable overview of the extent of visibility from the areas beyond the immediate surrounds of Belvoir Castle to the north, but still within the RPG.
- 4.39. Onsite assessment has demonstrated that any meaningful co-visibility of Belvoir Castle with the wider Vale of Belvoir landscape due north of Belvoir Castle from within the designed gardens and wider parkland is extremely limited. Indeed, from the areas that I was able to assess during my site visit, I only identified one location of from where such views were afforded, with this being the view from the principal designed approach as it extends southwest/northeast to the east of Woolsthorpe (see Plate 32). This location is c.1.8km east of Belvoir Castle and c.3km southeast from the Appeal Site at its closet point. A review of archival sources<sup>30</sup> indicates that a break in vegetation in this location likely formed part of the designed intent of the treeline approach; however, it is clear that the focus of the view is on the Castle within its parkland setting in the foreground. Whilst views in the direction of the Appeal Site are obtainable from this location, it is not clearly discernible and, as with the

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<sup>30</sup> See Heritage PoE Appendix 3.

views set out above, the views are wide- and far-reaching and not focused on the Appeal Site.

#### *Summary*

- 4.40. It is acknowledged that the Appeal Site can be viewed from certain parts of Belvoir Castle and its immediate surrounds. In all such views the Appeal Site is viewed as one small part of wide- and far-reaching landscape view, set some distance (c.2.1km) from Belvoir Castle.
- 4.41. There is no legible understanding of the historic, economic and social connections between the Appeal Site and Belvoir Castle beyond what may be seen as plausible but not necessarily assumed through relative distance and the likely extent of land holdings of an Estate of this size. Nor are there any designed features associated with the Appeal Site to draw the eye in its location.
- 4.42. It is recognised that the Appeal Site forms part of the foreground of the spire of the Church of St Mary, Bottesford, in some of such views; however, as discussed further in Section 5 of my Evidence, whilst associative connections existing between the Church and Belvoir Castle, no evidence of specific designed visual connections have been identified.



*Plate 30: View north from Jubilee Drive (November 2023).*





*Plate 31: View northeast from land adjacent to The Engine Yard (July 2024).*



*Plate 32: View north from approach c.1.8km east of Belvoir Castle (July 2024).*

## Views Towards Belvoir Castle

- 4.43. Belvoir Castle is visible to varying degrees from various locations throughout the Appeal Site, an indication of which is provided by Plates 33–36. Verified views demonstrating the extent of visibility from PRow No. F82 which crosses the Appeal Site northeast / southwest provided at *Heritage* Viewpoints 6A, 7C and 13B.<sup>31</sup> *Holborn* Viewpoints 1, 2 and 5 detail views towards Belvoir Castle from the southernmost element of the Appeal Site (Fields 13). Belvoir Castle is also visible from the northern boundary of the Appeal Site, as demonstrated by Plate 37 and *Heritage* Viewpoint 10, and with the Appeal Site in the foreground of views from Easthorpe Lane, as demonstrated by Plate 12 and *Heritage* Viewpoint 2.
- 4.44. Where visible, the general form of Belvoir Castle can be understood and experienced, as can the understanding of the structure as a residence of status situation on an area of high ground. Due to distance, the ability to appreciate the finer architectural detailing of the Castle from within the bounds of the Appeal Site is limited. The 'clearest' views are obtainable from the southern areas of the Appeal Site, specifically Fields 11–13, all of which include PRowS. It is important to note that the position of vantage points within the Appeal Site and on its boundaries are not 'designed' viewpoint locations, and these locations are not the only incidental vantage points from within the area due to the topography and siting of the structure.
- 4.45. In views of Belvoir Castle on the approach from various routeways to the south, including from Castle View Road, where visible the Appeal Site reads as an area of agricultural land which forms part of the low-lying landscaping in the foreground of Belvoir Castle. The same is also the case with regards to views from the A52, although the fleeting kinetic experience and east / west orientation of those traveling along the route (i.e., not in the direction of Belvoir Castle) is more pronounced.
- 4.46. As with views *from* the surrounds of Belvoir Castle, in views *towards* Belvoir Castle, there is no legible understanding of the historic, economic and social connections between the Appeal Site and Belvoir Castle beyond what may be seen as plausible but not necessarily assumed through relative distance and the likely extent of land holdings of an Estate of this size.

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<sup>31</sup> Included within Appendix 13 of CD 1.33–7.



*Plate 33: Example view towards Belvoir Castle from within the Appeal Site (July 2024).*



*Plate 34: Example view towards Belvoir Castle from within the Appeal Site (July 2024).*



*Plate 35: Example view towards Belvoir Castle from within the Appeal Site (July 2024).*



*Plate 36: Example view towards Belvoir Castle from within the Appeal Site (July 2024).*



*Plate 37: Example view towards Belvoir Castle from the track north of the Appeal Site (July 2024).*

#### Summary Conclusions

- 4.47. In summary, whilst it is my position that the Appeal Site forms part of the 'setting' of Belvoir Castle that contributes to its overall heritage significance, this is principally derived from the economic and social connections between the Appeal Site and Belvoir Castle, and views of Belvoir Castle which are afforded from within the bounds of the Appeal Site are incidental. The contribution made needs to be viewed in the context of the Appeal Site forming a small part of the outlying Estate landholdings, the distance between the two areas and the lack of designed interaction, i.e., there are no specific designed views to and from the Appeal Site.
- 4.48. Thus, it is my position that whilst forming part of the 'setting' of Belvoir Castle that contributes to its overall heritage significance, the level of contribution made is minor.

## Belvoir Castle – Change Which Would Occur from the Appeal Proposals and Assessment of Impact

4.49. It is considered that there are three ways in which the proposed development *could* result in a change that *might* impact upon the overall heritage significance. These are as follows:

- A change to the 'use' of the Appeal Site which could alter the contribution which the Appeal Site makes to the economics the Belvoir Castle Estate, and thus the historic interest of the asset.
- A change to the character of the Appeal Site which could alter the understanding, experience and appreciation of Belvoir Castle from the assets itself, and its immediate surrounds.
- A change to the character of the Appeal Site which could alter the understanding, experience and appreciation of Belvoir Castle from within the wider landscape.

4.50. When considering changes in 'setting, a recent Secretary of State Appeal Decision (henceforth referred to as the 'Edith Summerskill House Decision') has clearly set out that:

***"In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance."<sup>32</sup> (my emphasis)***

4.51. The Inspector for the 'Edith Summerskill House Decision' also provides the following narrative on substantial harm and the less than substantial harm 'spectrum':

***"... substantial harm is set at a high bar, such that a good deal (or all) of the significance of a designated heritage asset would have to be removed for it to be reached. That means that the range for a finding of less than substantial harm is very wide indeed, from a harmful impact that is hardly material, to something just below that high bar."<sup>33</sup>***

4.52. I do not consider that the subsequent High Court Judgement *London Historic Parks And Gardens Trust v Minister of State for Housing & Anor [2022] EWHC 829 (Admin)* alters the approach set out above. This is based upon my reading of the Judgement. It is also noted that whilst the Edith Summerskill House Decision was issued prior to the handing down of this Judgement, it postdated the hearing at the High Court and the Inspector demonstrates a knowledge of the considerations that had taken place.<sup>34</sup>

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<sup>32</sup> APP/H5390/V/21/327713 [2023] – Edith Summerskill House, Clem Attlee Court, London, SW6 7TW, Paragraph 12.5 of main Decision – CD 6.35

<sup>33</sup> Ibid, Paragraph 12.4 of main Decision.

<sup>34</sup> Ibid, Paragraph 12.3 of main Decision.

### **Change to the 'Use' of the Appeal Site**

- 4.53. Whilst the proposed development would result in a change in how the Appeal Site is 'farmed', the Appeal Site will remain as part of the Belvoir Estate and will continue to generate an income for the Belvoir Estate. It is also intended that the Appeal Site will retain a pastoral function in the context of the operation of the Belvoir Estate via the grazing of sheep amongst the solar panels. Traditional agricultural activity would be reestablished following the decommissioning of the solar farm.
- 4.54. The proposed solar farm would not 'remove' the agricultural landscape as the fields beneath the panels will remain together with the field boundaries, allowing for the agricultural landscape and field pattern to still be read and understood.
- 4.55. Accordingly, the contribution which the Appeal Site makes to the historic, economic and social interest of Belvoir Castle will remain, irrespective of the temporary departure from traditional agricultural activity.
- 4.56. Furthermore, as discussed within the letter of support received from the Duchess of Rutland, the generation of green energy will positively contribute to the diversity of the operations of the Belvoir Estate and how such operations support its long-term viability. The generation of green energy also responds to the ethos of the operation of Belvoir Estate for future generations.
- 4.57. It is also noted that throughout the post-medieval and modern periods, the Belvoir Estate has supported and facilitated change within the Estate landholdings which respond to changes in technology and infrastructure examples being the construction of the Grantham Canal in the 19<sup>th</sup> century, and the construction of a biomass boiler in the early 21<sup>st</sup> century.

### **Change to the Character of the Appeal Site as Experienced From Belvoir Castle, Its Immediate Surrounds and the RPG**

- 4.58. Based upon onsite assessment, and information provided by the '*Holborn Amendment*' ZTV<sup>35</sup> and photomontages:
- The proposed development will be visible from a select number of rooms on the northeastern side of Belvoir Castle. In the majority of cases the views would be oblique and of part of the proposed development only. It is also reiterated that views north in the direction of the proposed development did not form a focal point of the relevant rooms.
  - More comprehensive views would be obtainable from certain elements of the roof of Belvoir Castle; however, when considering views from the roof it is important to take into account that
    - i. The current iteration of Belvoir Castle was never designed to serve a strategic or defensive role; and

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<sup>35</sup> As included at Appendix 1 (Figure 7) of the Evidence of Mr Kratts.

ii. There is no indication that views from the roof were designed as a pleasure or promenade space. Access is for maintenance only and any views from the roof are not designed aesthetic views.

- The proposed development would be visible from the immediate surrounds of the Castle; however, as demonstrated by the 'Holborn Amendment' ZTV the extent of visibility would be extremely limited. *Heritage* Viewpoints 8 and 9 and *Landscape* Viewpoint 9 are utilised below to consider the nature of the change in outward views from the surrounds of Belvoir Castle, with these providing a suitable overview of such change from relevant areas.
- Co-visibility of Belvoir Castle and the proposed development from the wider designed landscape and parkland would be extremely limited, and potentially only available from minor elements of the far western end of Jubilee Drive and an isolated section of the designed approach c.1.8km east of Belvoir Castle.

4.59. In all such views, irrespective of the extent of visibility, the scheme would be viewed as discrete change within a wide- and far-reaching landscape view, some distance from Belvoir Castle, which already includes modern introductions and has been subject to dynamic change.

4.60. As part of their case, as set out at §3.44 of the MBC SoC, MBC consider that '*... it is very likely that from the elevated position of the Castle, the sun reflecting off the 81ha of solar panels angled to the south, would be a significant distraction when experiencing the Grade I building in its historic landscape setting.*' MBC confirmed within their letter dated 17<sup>th</sup> June 2024<sup>36</sup> that their case on this matter included the consideration of outward views from the Belvoir Castle and '*its associated gardens and Conservation Area towards the proposed solar farm*'.

4.61. Firstly, it is highlighted that the panels proposed are bi-facial panels installed on trackers. This means that the proposed panels will be east facing in the morning and tilt towards the west over the course of the day, resetting in the hours of darkness. Accordingly, the panels will not be fixed in a south facing position. To demonstrate how the panels and their supporting frames would be viewed from the vicinity of Belvoir Castle, Plate 38 provides an 'zoomed in' extract from the photomontage for *Heritage* Viewpoint 9. This is provided for illustrative purposes only and it is important to take into account that this is not how the human eye would view the proposed panels from this location, and it should be considered in the context of the photomontage for *Heritage* Viewpoint 9 as a whole.

4.62. Secondly, under the 'Holborn Amendment' the panel coverage has been reduced to 60.2ha.

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<sup>36</sup> CD 10.2.





Plate 38: 'Zoomed in' section of Heritage Viewpoint 9 to demonstrate how the panels and their structure would be viewed from the south. *Provided for illustrative purposes only.*

- 4.63. It is acknowledged that the Glint and Glare Assessment<sup>37</sup> submitted as part of the application did not include Belvoir Castle as a 'receptor'; however, the receptors for such assessments are principally associated with general amenity and highway safety matters, not potential impacts on heritage assets via a change to their 'setting', as clearly set out in the methodology of said assessment. It is also noted that no concerns were raised by MBC during the determination of the application regarding the extent of assessment provided within the Glint and Glare Assessment, nor that such matters should be considered in the context of the historic environment. Glint and glare was not raised by Historic England in either of their consultation responses on the application.<sup>38</sup>
- 4.64. An Addendum to the Glint and Glare Assessment has, however, been prepared to inform the Inquiry, with this including an assessment of 'glint and glare' from the terrace to the north of the Belvoir Castle, Jubilee Drive and the northern edge of The Engine Yard. These locations were chosen to provide a suitable, and proportionate overview, as to how the reflection of the solar panels may be viewed from within the immediate surrounds of Belvoir Castle, taking into account the lack of visibility from *within* the structure and the limited visibility from its immediate surrounds (as set out above). For clarity these locations are *within* the bounds of the RPG and Conservation Area, with these assets discussed further below.
- 4.65. A copy of the Addendum to the Glint and Glare Assessment is provided at Heritage PoE Appendix 7.
- 4.66. The conclusions of the Addendum to the Glint and Glare Assessment in regard to these new 'receptors' close to Belvoir Castle is set out in Table 1 below.

Table 1: Summary of conclusions of Addendum to the Glint and Glare Assessment.

Location	Approximate predicted reflection times (GMT)		Assessment of Potential Glint & Glare 'Impacts' as Glint & Glare Addendum
	AM	PM	
Terrace to the north of Belvoir Castle.	N/A	N/A	Solar reflections are not geometrically possible.
Jubilee Drive	N/A	N/A	Solar reflections are not geometrically possible
The northern edge of The Engine Yard.	N/A	N/A	Solar reflections are not geometrically possible

- 4.67. Based upon the assessment and conclusions presented within the Addendum to the Glint and Glare Assessment it is my understanding that the reflective nature of the proposed panels should not be a matter for consideration from the Belvoir Castle and its immediate

<sup>37</sup> CD 1.33 – 19.

<sup>38</sup> CD 7.14.

surrounds. Even if a degree of the reflective nature of the proposed panels should be visible from upper elements of Belvoir Castle, the reflection would not be static and would only apply to a certain period of time during the day. It would also only represent a change to the one element of this wide landscape view. I would also highlight that when I visited site on a bright day in July 2024 'glinting' elements were appreciable within the landscape views, as currently existing. Indeed, 'glint' associated with traffic movement on the A52 and A1 was intermitting and moving, thus drawing the eye in the manner to which the panels would not, should this be applicable.

- 4.68. The ability to view the proposed development from Belvoir Castle and its immediate surrounds, where possible and taking into account the manner to which the reflective nature of the panels may be experienced, would not result in a change to:
- The overall understanding, experience or appreciation of Belvoir Castle as an aristocratic residence, developed on the site on an earlier defensive structure, situated within a designed landscape and with a wider estate landholding.
  - The understanding, experience and appreciation of the design intent of the rooms from where the proposed development would be visible.
  - The contribution which the spatial and visual relationships between Belvoir Castle, associated designated heritage within the bounds of the complex, and its designed gardens and parkland. Accordingly, the contribution which these aspects of the 'setting' of the asset make to it is overall heritage significance would remain unaltered, as would the contribution made by the experience and appreciation of the asset from the historic principal formal approach from Woolsthorpe to the east, and from the later approach now known as Jubilee Drive.

#### **Change to the Character of the Appeal Site as Experienced the Wider Landscape Beyond the RPG**

- 4.69. The proposed development would result in a change to views of Belvoir Castle from within the Appeal Site, with the extent of change varying across depending on the location.
- 4.70. In order to articulate how change may arise from the Appeal Site in general, I have utilised the photomontages prepared in relation to *Heritage* Viewpoints 6B, 7C and 13A. In considering these viewpoints, it is important to take into account that they provide an indication of three, static views of Belvoir Castle from incidental points along PRoW No. F82, with the overall experience of the Belvoir Castle from within the landscape being a kinetic one. Photomontages prepared *Holborn* Viewpoints 1, 2, 5 and 6 are utilised to consider the change from Field 13, with this the area of the Appeal Site closest to the asset and from where it is best experienced.
- 4.71. The position and orientation of the viewpoints is noted with *Heritage* Viewpoints 6B, 7A and 13A depicting direct views towards Belvoir Castle. As one moves east / west across the Appeal Site along PRoW No. F82, any views of the Belvoir Castle would be in an oblique manner. Accordingly, *Heritage* Viewpoints 6A, 7C and 13A can be considered to represent indicative 'worst case scenarios'.

- 4.72. The photomontage for *Heritage Viewpoint 6A* indicates that from this point of the PRoW, which is located at the eastern end of the central area, the proposed development would not be visible and would not alter the existing experience of the Belvoir Castle from this location.
- 4.73. *Heritage Viewpoints 7C* details a view c.200m southwest of *Heritage Viewpoint 6A* from the same PRoW. Belvoir Castle is visible on the high ground to the south of the Appeal Site, nestled amongst designed planting on the slopes to the north of the structure with agricultural land (within the Appeal Site and beyond) in the foreground. The photomontage for *Heritage Viewpoint 7C* demonstrates that the proposed development would result in a change to the character and appearance of the part of the agricultural landscape in the wider foreground of Belvoir Castle. The extent to which the proposed development would be visible would decrease as by Year 15 due to the proposed landscape management of existing hedgerows.
- 4.74. The proposed development would not obscure views of Belvoir Castle, with an area of agriculture landscape visible between the proposed development and the immediate surrounds of the structure and its design landscape. Accordingly, it is my position that any change that would occur to the overall understanding and experience of Belvoir Castle in this view would be limited.
- 4.75. A similar change would occur to the experience of Belvoir Castle from *Heritage Viewpoint 13B*, located c.360m southwest of *Heritage Viewpoint 7C*.
- 4.76. As detailed in Section 3 of my Evidence, under the '*Holborn Amendment*' the extent of solar panels in Field 13 has been reduced and the landscaping in this area redesigned. As demonstrated by the photomontages for *Holborn Viewpoint 5*, this would result in existing views from the PRoW along the western boundary of the Appeal Site from this location remaining with no change to the foreground. As a note the position of *Holborn Viewpoint 5* reflects the position from where Belvoir Castle is best experienced from this PRoW in this locality, based upon on site assessment.
- 4.77. The removal of the solar panels, alongside the relocation of the orchard tree planting under the '*Holborn Amendment*' would result in the creation of a new publicly accessible recreational area which affords clear views towards Belvoir Castle. This publicly accessible recreation area, which would include picnic seating, is accessible from the surrounding PRoW network, including from the PRoW along the Grantham Canal. Information boards are proposed within the publicly accessible recreational area. Views toward Belvoir Castle from the new publicly accessible recreational area are detailed on the photomontage for *Holborn Viewpoints 5 and 6*.
- 4.78. The photomontages for *Holborn Viewpoint 1 and 2* details the change resulting from the proposed development in the view from the northern boundary of Field 13. It is highlighted that only *Holborn Viewpoints 1* is located on a PRoW. From the northern boundary of Field 13, the proposed solar panels and associated infrastructure would be clearly visible in the foreground of views towards Belvoir Castle, alongside the modern pylons which cross the Appeal Site in this location. The proposed solar panels would not obscure views of Belvoir Castle which would remain visible and understood as a residence of status nestled in mature planting on an area of high ground, albeit from within the wider context of a solar farm as opposed to agricultural fields. Agricultural field situated between the Appeal Site and Belvoir Castle would remain visible.

- 4.79. The photomontages for *Holborn* Viewpoints 1 and 2 detail that by Year 15 proposed hedgerow planting along the northern boundary of Field 13 would obscure views of Belvoir Castle from these locations. However, as detailed in Section 3 of my Evidence, the photomontages are based upon the management of the proposed hedgerow to 3m and this could be reduced to 2m in order to retain the views of Belvoir Castle.
- 4.80. This is also the case with regards to the obscuring of views of Belvoir Castle from Easthorpe Lane to the north of the Appeal Site resulting from the proposed management of an existing hedgerow. It is, however, reiterated that there are no planning restrictions associated with management of the existing hedgerows and the existing views from Easthorpe Lane could be obscured at any time.
- 4.81. On the approach to Belvoir Castle via Castle View Road, the proposed development would be visible in conjunction with Belvoir Castle for only a very short stretch of the route, at its northern end. Where visible, the proposed development would be viewed as a change in the wider landscape of Belvoir Castle, beyond its immediate surrounds and designed landscape, with the solar panels partially screened by existing hedgerow planting. It is noted that this part of the route is characterised by the infrastructure and noise of the A52 which has severed the historic length of this route, with better views of Belvoir Castle becoming more apparent as one moves further south, beyond the Appeal Site.
- 4.82. The Glint and Glare Assessment and the subsequent Addendum demonstrates that the predicted 'reflection times' associated with the proposed development as viewed from Castle View Road would be restricted to only 3-4.45hrs a day, with the length and time of day depending on the month of the year. During the majority of months, the predicted 'reflection times' are in the early hours of the morning, with 0900 being the latest time reported. Accordingly, where the reflective nature of the proposed panels may be experienced from Castle View Road this would only be for a very short time of the day (primarily early morning). Where the reflective nature of the proposed panels may be experienced from Castle View Road in conjunction with Belvoir Castle, this does not alter my assessment set out above.
- 4.83. As demonstrated by the '*Holborn* Amendment' ZTV, the ability to view the proposed development from the wider landscape beyond the Appeal Site is limited. In the consideration of the experience of Belvoir Castle from the wider landscape beyond the Appeal Site, onsite assessment and analysis of the '*Holborn* Amendment' ZTV indicates that co-visibility of the proposed development and Belvoir Castle from the wider landscape beyond the Appeal Site would be limited. Where co-visibility may occur, the proposed development would be viewed as a change within the low-lying landscape south of, and distinctly separate from, Belvoir Castle and its immediate surroundings.
- 4.84. I have considered the information provided within Glint and Glare Assessment, in particular in regard to 'receptors' 1-4 in order to ascertain the potential reflection times of the proposed development from the wider landscape to the west. The Addendum to the Glint and Glare Assessment also included two additional locations to further assist assessment, including from the wider landscape to the east. It should be noted that whilst MBC have raised issue with regard to the consideration of 'glint and glare' in regard to Belvoir Castle, they have not provided any indication of specific locations from which predicted 'reflection times' should be assessed.

4.85. The Glint and Glare Assessment demonstrates that with regard to 'receptors' 1-4 the predicted 'reflection times' are up to 25 minutes per day between 0345 and 0900, throughout the year. From the east, as indicated by point 2 of the Addendum to the Glint and Glare Assessment demonstrated that the predicted 'reflection times' would be between 0400-0900 throughout the year. Accordingly, where the reflective nature of the proposed panels may be experienced in conjunction with Belvoir Castle from the wider landscape beyond the Appeal Site this would only be for a very short time of the day (primarily early morning). Where the reflective nature of the proposed panels may be experienced from the wider landscape beyond the Appeal Site in conjunction with Belvoir Castle, this does not alter my assessment set out above.

### Summary Conclusions

4.86. In summary:

- The proposed development will be visible from only a select number of rooms on the northeastern side of Belvoir Castle, and where possible such views are oblique views due to the orientation of the building. Views from within the designed landscape associated with Belvoir Castle in conjunction with Belvoir Castle are also limited.
- The proposed development would not alter the contribution which the 'use' of the Appeal Site makes to the economy of the Belvoir Estate, and thus the contribution which this makes to the historic interest of Belvoir Castle. The scheme is supported by the Belvoir Estate.
- The proposed development would not result in a change that would impact upon the spatial and visual relationships (as they exist) between Belvoir Castle and associated designated heritage assets within bounds of the complex associated with the domestic residence.
- The proposed development would not alter the spatial and visual relationships between Belvoir Castle and the designed gardens within which it is situated, and the experience and the appreciation of Belvoir Castle from these locations.
- Visual relationship between Belvoir Castle and wider designed parkland, which principally lies to the south of the Castle as indicated by the boundary of the RPG would not be altered by the proposed development.
- The proposed development would result in a change to incidental views of the Belvoir Castle in views *from* Appeal Site. In the majority of views, the change would be limited to a change in the character of the foreground, with Belvoir Castle remaining understood as a residence of status set amongst designed planting on an area of high ground. Views of the Belvoir Castle would be removed from certain locations due to proposed landscaping management; however, this could be subject to control which would avoid the loss of views.
- The proposed development would be visible in-conjunction with Belvoir Castle from limited elements of the wider landscape beyond the Appeal Site would be limited. Where co-visibility would occur the proposed development would be viewed as a change within the low lying landscape south of, and distinctly separate from Belvoir Castle and its immediate surrounds.

- The proposed development would introduce a new publicly accessible area from which to dwell and view Belvoir Castle, accessible from the surrounding PRow network and the Grantham Canal.

4.87. Based upon the above, it is my opinion that the harm arising to the overall heritage significance of Belvoir Castle, via a change in 'setting', would be less than substantial, at the lower end of the spectrum.

4.88. The harm identified would be removed on the decommissioning of the solar farm.

## Registered Park and Garden at Belvoir Castle

4.89. The RPG at Belvoir Castle is located c.1.3km south of the Appeal Site closet. Intervening areas principally comprise agricultural land and the course of the Grantham Canal. The boundaries of the designation in relation to the Appeal Site is provided at Plate 2 and at Heritage PoE Appendix 3.

4.90. The List Entry summarises the RPF at Belvoir Castle as follows:

***"Extensive landscape park and various gardens, mostly early C19 but incorporating late C17 elements, largely laid out to a plan of 1780 by Capability Brown, and associated with a spectacular, early-C19 hilltop castle. Reservoir to south of parkland, constructed between 1794 and 1797 as a floodwater reservoir for the Grantham Canal."***

4.91. The List Entry does not identify the designation as incorporating landscape features associated with an earlier medieval designed landscape, and indeed the medieval Belvoir 'park' (most likely disparked by the 1460s) is understood to have been located northwest of the later designated landscape park which is covered by the designation.

4.92. The designed landscape which the RPG is focused upon is thus purely associated with the third and fourth iterations of Belvoir Castle and the use of the site for domestic purpose only. The designated area covers 900ha and, as detailed in Heritage PoE Appendix 3, the majority of the designation is located to the south of the Belvoir Castle.

## Statement of Significance

4.93. The heritage significance of the RPG at Belvoir Castle is principally embodied in the historic, aesthetic and archaeological interest of the physical form of the designed landscape and varying spaces which it contains, as an example of a designated landscape which has been subject to evolution alongside its associated principal dwelling. The connection with Brown also makes a considerable contribution to the historic interest of the asset.

4.94. Under 'Reasons for Designation', the List Entry (see Heritage PoE Appendix 3) identifies that:

***"Historic interest:***

***\* it is a multi-layered designed landscape of great time-depth, having evolved over almost a thousand years since the first Norman castle was established, shaped particularly by the 5th and 8th Duchesses;***

***\* it is one of the latest designs by Lancelot 'Capability' Brown (1716–83), the pre-eminent English landscape designer of the mid to late C18 who had a profound influence on the parks and gardens surrounding many country houses;***

***\* after Brown's death, his plans and folio album continued to be used when alterations and improvements were initiated at the Castle and on the estate, altogether shaping the land and views in accordance with the ideals of the landscape park;***

***\* it is associated with some of the most accomplished landscape and garden designers, architects and engineers from the C18 to the C20;***

***\* the noted canal engineer William Jessop, who is associated with more than 120 listed canal and waterwork structures, is connected with the design and construction of Knipton Reservoir, an impressive feat of engineering for its day that was the first instance of a floodwater reservoir serving a canal;***

***\* the Rose Garden is a very fine example of the work of Harold Peto, one of the most accomplished garden designers of the Edwardian period who is associated with eighteen buildings on the List, and sixteen gardens on the Register, many of which are highly graded. The recent discovery of his plan shows how well the original design has survived.***

**Group value:**

***\* it is a vast and impressive designed landscape laid out around Wyatt's spectacular Grade I-listed hill-top castle and ornamented by finely-wrought buildings, the majority of which are listed, some at high grades."***

- 4.95. The 'setting' of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its physical fabric.
- 4.96. The Steer Judgement identifies that the manner to which 'setting' can contribute to the significance of a RPG can differ from the manner to which 'setting' contributes to the significance of the associated Listed principal dwelling.<sup>39</sup>
- 4.97. The principal elements of the physical surrounds and experience of the asset (its "setting") which I consider to contribute to its heritage significance comprise:
- The spatial and designed visual relationship between the designated landscape and Belvoir Castle, and the contribution which this provides as to the understanding of the evolution of the landscape alongside the principal dwelling.
  - The spatial and visual relationship with elements of the surrounding countryside where such areas are intended to serve as an extension of specific designed viewpoints from within the gardens or parkland areas.

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<sup>39</sup> Catesby Estates Ltd v. Steer, EWCA Civ 1697, 2018 – CD 6.1.



4.98. Views across the Vale of Belvoir are obtainable from within the bounds of the RPG in areas to the north of Belvoir Castle, where designed vegetation and built form allows. When taking into account the nature of these views and the overall design intent of the designated area, such views are considered to make a lesser contribution to the understanding, experience and appreciation, and thus significance, of the asset than the elements set out above.

Specifically:

- Whilst Brown's sought to 'soften' the appearance of the northern slopes through planting, he appears to have suggested little change to the earlier terraces and retained the Spiral Walk. The only notable changes on the northeastern side of the slope were the introduction of the planting, a ha-ha (constructed in 1825 on a tighter embrace to the Castle than that shown on Brown's plan) and the construction of the 'Dooms', a network of subterranean passages providing concealed access to the Castle for workers and deliveries.
- Dense planting was proposed and introduced along the northwestern side of the slope, the planting of which had begun by the 1780s (see above) and which curtails views in this direction (and due north) and screens views towards The Engine Yard (constructed in the early 19<sup>th</sup> century) and brick kilns recorded on Brown's plans of 1779, and the later tramway (see below). Accordingly, there would have been a desire to screen views of these 'industrial areas' of the Estate from Belvoir Castle and its immediate surrounds (i.e., gardens and pleasure grounds).
- Further treebelts proposed beyond the slope and immediate surrounds were intended to enclose the designed parkland and gardens, and create a clear separation from the functional landscape beyond.
- Brown did not seek to remove or screen the stable block and estate buildings, or views of the village of Woolsthorpe, from Belvoir Castle and its immediate surrounds. This in contrast to many of his other designed landscapes where buildings and whole villages were removed in order to create 'naturalistic' and aesthetic composition of views from principal dwellings. This perhaps indicates the acceptance that areas to the north were largely functional, with focus placed to the south, and is further emphasised by the screening of views in the direction of brick kilns and later Engine Yard and tramway.

4.99. Views *towards* the designed landscape from outside of the designated area have not been identified as forming a key part of the design intent of the designed landscape, and where obtainable provide little understanding as to the overall design intent of the landscape or component parts.



*Plate 39: View north from the Spiral Walk on lower slopes to the north of Belvoir Castle (July 2024).*

### **Contribution Made by the Site**

- 4.100. The Appeal Site forms part of the Belvoir Estate, and thus an associative connection between the Appeal Site and Belvoir Castle exists, as discussed above. This connection does not, however, contribute to the historic interest of the RPG to same extent as it does to the Listed Building of Belvoir Castle (as discussed above) due to the differences between the two assets and their role in the Estate. See earlier comment in regard to the Steer Judgement.
- 4.101. A review of Brown's plan (see Plate 4.5 and 4.6 in Heritage PoE Appendix 4) against later Ordnance Survey mapping and modern aerial photographs indicates that the far southern part of the Appeal Site falls within a periphery area included on Brown's plan on 1780 (Plate 40). In this context, it is important to take into account the following:
- The 'borrowing' of the wider landscape is not a characteristic of Brownian landscapes, and there is no evidence that the parkland was redesigned in the later Reptonian or Picturesque style which often sought to incorporate 'borrowed landscapes'.
  - There is a clear distinction between Brown's intentions for the immediate surrounds to the north of Belvoir Castle and the wider landscape beyond, with this indicated by the tree belts which were proposed to separate the two areas (Plate 4.7 in Heritage PoE Appendix 4). Indeed, Brown's plan for Belvoir as a whole details the land immediately adjacent to the tree belts which were intended to enclose the

designed parkland and gardens, with these areas (including that which included the Appeal Site) beyond potentially included on the plans to add 'context'.

- There is also a distinction between the manner to which the 'enclosures' and areas of pasture immediately beyond the tree belt are depicted on the Brown's plan and the area which extended into the far southern part of the Appeal Site. The latter is annotated as 'Muston Gorse' with a group of brick kilns shown in the northwestern area, and the field is shaded as browner in colour than the adjacent agricultural fields and areas of pasture (Plate 4.8 in Heritage PoE Appendix 4).

4.102. Accordingly, whilst the far southern part of the Appeal Site is detailed on Brown's plan, the area did not form part of the designed grounds or parkland planned by Brown and simply formed part of the surrounding agricultural and industrial land to which Brown sought to create a physical and visual separation.

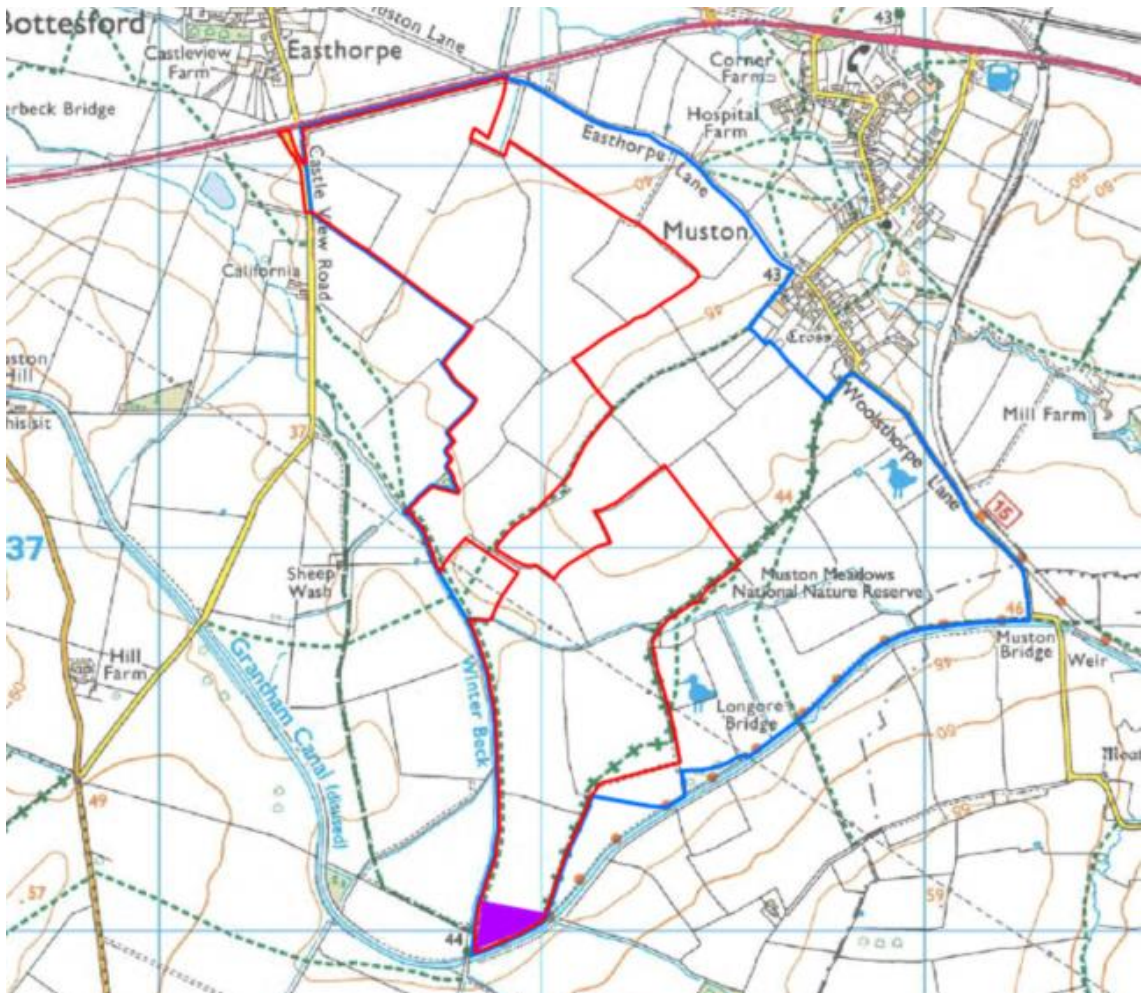


Plate 40: Plan detailing the approximate extent of the Appeal Site detailed on Brown's plan highlighted in purple.

- 4.103. The completion of the Grantham Canal in the 1787 (less than 20 years after Brown drew up his plans) severed the far southern part of the Appeal Site from the remainder of 'Muston Gorse', and the area became amalgamated into the wider agricultural pattern to the north.
- 4.104. A wharf was established on the western edge of the area and a tramway introduced through 'Muston Gorse' (which by this date had been subdivided into several fields) connecting the canal to the secondary approach to Belvoir Castle. It is understood that this tramway is likely to have been that constructed to carry building materials and heavy goods (such as coal) from the canal to Belvoir Castle. Thus, although the brick kilns had been removed by the late 19<sup>th</sup> century, this area continued to operate as an ancillary, and in part industrial, part of the wider landholdings of Belvoir Castle.
- 4.105. Incidental views of the Appeal Site are obtainable from isolated areas in the northern part of the designation, including on the approach from Jubilee Drive, the vicinity of The Engine Yard and an isolated section of the designed approach c.1.8km east of Belvoir Castle, as discussed above in regard to Belvoir Castle. In such views, the Appeal Site viewed as one small part of wide- and far-reaching landscape view, set some distance from the seat to which the designated landscape is associated, and the influence of the design of gardens and areas outlying parkland. The experience of the Appeal Site in this manner makes not meaningful contribution the understanding, experience or appreciation of the designed landscape, as defined by the RPG (see Plate 4.20 in Heritage PoE Appendix 4).
- 4.106. The wider landscape to the north of Belvoir Castle, in the direction of the Appeal Site, is visible as part of the view towards Belvoir Castle via a break in vegetation in this location which formed part of the designed intent of the treelined approach. However, as set out above, it is clear that the focus of the view is on the Castle within its parkland setting in the foreground. Whilst views in the direction of the Appeal Site are obtainable from this location, it is not clearly discernible and, as with the views set out above, the views are wide- and far-reaching, not focused on the Appeal Site. It is also noted that this part of the drive is beyond the plans prepared by Brown, and beyond the extent of parkland indicated by the shading on the 1887 Ordnance Survey Map.
- 4.107. As discussed above, Belvoir Castle is visible to varying degrees from various locations throughout the Appeal Site. Whilst areas which lie within the northern part of the designation can also technically be viewed from within the Appeal Site, there is no understanding as to the extent and intricacy of the design of the RPG in this location. The only element which can meaningfully be appreciated is the designated, mature planting to the north of Belvoir Castle which the structures is seen nestled amongst. Such views are most obtainable from Fields 11-13 which lie closet to Belvoir Castle – see *Holborn Viewpoints* 1, 2, 5 and 6.
- 4.108. The position of vantage points within the Appeal Site and on its boundaries which facilitate the above views are not 'designed' viewpoint locations and are not the only incidental vantage points from within the area due to the topography and siting of the structure.
- 4.109. There are no visual connections between the Appeal Site and the remainder of the designated area as it extends to the south of Belvoir Castle.
- 4.110. Based upon the above, it is my opinion that the Appeal Site forms part of the 'setting' of the RPG at Belvoir Castle which makes a limited, at most, contribution to the overall heritage significance of the asset. Any such contribution is derived purely from the incidental views towards the northern part of the designation from within the Appeal Site, and the manner to which they contribution to the understanding of the designed planting north of Belvoir

Castle, only. No contribution is considered to derive from the inclusion of the far southern part of the Appeal Site on Brown's plan for the reasoning set out above.

## **Belvoir Registered Park and Garden – Change Which Would Occur from the Appeal Proposals and Assessment of Impact**

- 4.111. The proposed development would be visible from isolated northern areas of the designation, in particular from within the immediate surrounds of Belvoir Castle, as discussed above and as demonstrated by *Heritage Viewpoints* 8 and 9 and *Landscape Viewpoint* 9. It may also be glimpsed in the view from the isolated section of the designed approach c.1.8km east of Belvoir Castle. From such locations the development would be viewed as discrete change within a wide- and far-reaching landscape view, some distance from Belvoir Castle, which already includes modern elements.
- 4.112. The ability to view the Appeal Scheme from isolated parts of the RPG would not result in a change to:
- The overall understanding, experience or appreciation of Belvoir Castle as an aristocratic residence, developed on the site on an earlier defensive structure, situated within a designed landscape and with a wider estate landholding.
  - The contribution which the spatial and visual relationships between Belvoir Castle, associated designated heritage within the bounds of the complex, and its designed gardens and parkland. Accordingly, the contribution which these aspects of the 'setting' of the asset make to it is overall heritage significance would remain unaltered, as would the contribution made by the experience and appreciation of the asset from the historic principal formal approach from Woolsthorpe to the east, and from the later approach now known as Jubilee Drive.
- 4.113. As set out above the far southern part of the Appeal Site is detailed on Brown's plan, but the area did not form part of the designed grounds or parkland planned by Brown. It simply formed part of the surrounding agricultural and industrial land to which Brown sought to create a physical and visual separation, and thus mapped as such. Furthermore, the area was severed from the remainder of the area detailed by Brown by the Grantham Canal in the 1790s and amalgamated into the wider field system to the north. Accordingly, the detailing of the far southern part of the Appeal Site on Brown's plan is not considered to form part of the attributes of the Appeal Site which result in it forming part of the 'setting' of the RPG which contributes to its significance. Irrespective, the element of the Appeal Site which is detailed on Brown's plan would not be subject to change as part of the proposed development with panels to be excluded from this area.
- 4.114. The proposed development would not be visible from wider elements of the RPG or alter the understanding, experience or appreciation of these areas.
- 4.115. The proposed development would result in a change to the very limited experience of the northern edge of the RPG from within the bounds of the Appeal Site and some isolated elements of the wider landscape beyond the bounds of the Appeal Site. However, as discussed above the overall understanding and experience of the RPG is limited to the appreciation of the designed planting to the north of Belvoir Castle which the structure is nestled amongst. The change to these views is discussed at 4.70–4.85 above in regard to Belvoir Castle.

- 4.116. The proposed development would not result in a change to other elements of the 'setting' of the RPG which contributes to the overall heritage significance of the asset, as set out above.
- 4.117. Based upon the above, it is my opinion that the harm arising to the overall heritage significance of the RPG, via a change in 'setting', would be less than substantial, at the lower end of the spectrum, with this taking a precautionary response. Such harm would be associated to changes to the understanding and experience of an isolated element of the RPG from within the Appeal Site only.
- 4.118. The harm identified would be removed on the decommissioning of the solar farm.

## Belvoir Castle Conservation Area

- 4.119. The Belvoir Castle Conservation Area, covering 173.1ha, encompasses Belvoir Castle, its immediate surrounds (including various ancillary buildings) and elements of the wider gardens and parkland. In addition to Belvoir Castle, the boundary of the Conservation Area, which is contained within the boundary of the RPG, includes 13no. Listed Buildings, three of which are Grade II\* Listed.
- 4.120. The Conservation Area is located c.1.8km south of the Appeal Site at its closest point. Intervening areas principally comprise agricultural land and the course of the Grantham Canal.

## Statement of Significance

- 4.121. The heritage significance of the Belvoir Conservation Area is principally derived from the special architectural and historic interest of the buildings and spaces within its bounds, and the contribution which they make to the understanding, experience and appreciation of the occupation of the Belvoir site from the medieval period onwards, with emphasis placed upon the character and appearance which has been established during the post-medieval and modern periods.
- 4.122. In this regard, the significance of the asset is intrinsically linked to the interest of the individual structures and the designated landscape which it contains.
- 4.123. While there is currently no statutory protection for the settings of Conservation Areas, it is evident that elements of the surrounds of the Conservation Area (its 'setting') make some contribution to its significance, albeit less than the structures and spaces within its boundaries.
- 4.124. The *Steer* Judgement identifies that the manner to which 'setting' can contribute to the significance of a Conservation Area associated with a designed landscape and estate can differ from the manner to which 'setting' contributes to the significance of the associated Listed principal dwelling.<sup>40</sup>

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<sup>40</sup> Catesby Estates Ltd v. Steer, EWCA Civ 1697, 2018 – CD 6.1.

- 4.125. In this context, the contribution which the 'setting' of the Conservation Area makes to its overall heritage significance is intrinsically linked to understanding, experience and appreciation of the individual assets; however, this also needs to be viewed in context of understanding of this specific designation as a whole.
- 4.126. The principal elements of the physical surrounds and experience of the asset (its "setting") which I consider to contribute to its heritage significance comprise:
- The spatial and visual relationships with between individual designated heritage assets within the Conservation Area and areas beyond the boundary which contribute to the understanding and experience of the individual assets, and in turn the contribution which they make to the special interest of the Conservation Area.
  - Inward views towards the designated area towards in individual designated heritage assets which contribute to the understanding and experience of the individual asset, and in turn the contribution which they make to the special interest of the Conservation Area.

#### **Contribution Made by the Site**

- 4.127. Any contribution made by the Appeal Site to the Conservation Area, via 'setting', is derived from the contribution which it makes to the individual heritage assets located within the bounds of the asset – in this case solely related to the understanding, experience and appreciation of Belvoir Castle and the RPG. Accordingly, I refer to my assessments set out above.
- 4.128. Based upon such assessments, it is my opinion that the Appeal Site forms part of the 'setting' of the Belvoir Castle Conservation Area which makes a limited, at most, contribution to the overall heritage significance of the asset. Any such contribution is derived from the incidental views towards Belvoir Castle from within the Appeal Site, and the manner to which they contribution to the understanding of Belvoir Castle and the designated landscape, as included within the boundary of the asset, and to a lesser degree of identified associative connection. The contribution made needs to be viewed in the context of the Appeal Site forming a small part of the outlying Estate landholdings beyond the designed landscape, the distance between the two areas and the lack of designed interaction, i.e., there are no specific designed views to and from the Appeal Site.

### **Belvoir Castle Conservation Area – Change Which Would Occur from the Appeal Proposals and Assessment of Impact**

- 4.129. §213 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, in this case one aspect of its 'setting', 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>41</sup>

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<sup>41</sup> DLUHC, *NPPF*, para. 213 – CD 4.1.

- 4.130. Any potential impact that would arise to the overall heritage significance, via a change in 'setting' would derive solely from the change to the understanding, experience and appreciation of Belvoir Castle and the RPG, and in turn the contribution which these assets make to the overall heritage significance of the Conservation Area. Accordingly, I refer to my assessments set out above.
- 4.131. Based upon these assessments, and when taking into account the heritage significance of the designation as a whole, it is my opinion that the harm arising to the Conservation Area, via a change in 'setting', would be less than substantial, at the lower end of the spectrum. Such harm would be associated to changes to the understanding and experience of an isolated element of Belvoir Castle and the RPG from within the Appeal Site only.
- 4.132. The harm identified would be removed on the decommissioning of the solar farm.



## 5. Consideration of the Church of St Mary.

5.1. This Section provides my assessment on the Grade I Listed Church of St Mary, Bottesford (NHLE Ref. 1075095). The key issues in relation to the Church of St Mary are as follows:

- What is the heritage significance of the Church of St Mary, including any contribution made by its 'setting'.
- What contribution is made by the Appeal Site to the overall heritage significance of the Church of St Mary, via 'setting', if any.
- What change would occur as a result of the Appeal proposals in terms of how the Church of St Mary is experienced and appreciated, and how any harm will arise to their overall heritage significance of the Listed Building as a consequence of the change.

5.2. The Church of St Mary is located c.12km northwest of the Appeal Site at its closet point, with intervening areas comprising built form associated with the modern extent of the settlements of Bottesford and Easthorpe, undeveloped agricultural fields and the A52. Background information on the Church of St Mary and its 'context' which supports the assessments presented in this Section are provided at Heritage PoE Appendix 4.

5.3. The location of the Church of St Mary in relation to the Appeal Site is provided at Plate 41.

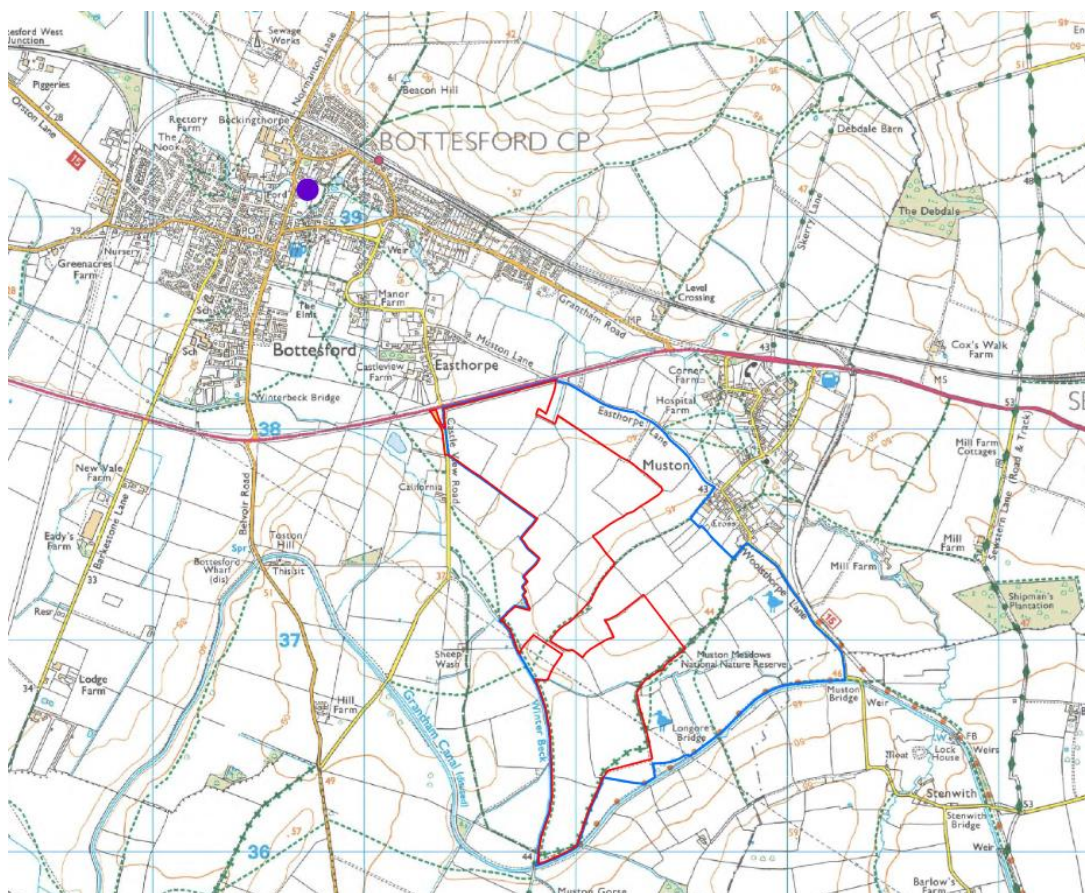


Plate 41: Map detailing the location of the Church of St Mary (purple) in relation to the Appeal Site (red line).

## Statement of Significance

- 5.4. The heritage significance of the Grade I Listed Church of St Mary is principally derived from the historic, architectural, aesthetic and archaeological interest of the physical fabric of the asset as an example of a parish church with medieval origins, and later medieval and post-medieval alterations. Works undertaken in the 19<sup>th</sup> century included the reconstruction of the west tower and spire, with the rebuilt spire understood to be one of the highest in Leicestershire. The latter contributes to the architectural interest of the building, whilst also influencing the experience of the spire as a way marker in the surrounding landscape, as discussed further below.



*Plate 42: The Church of St Mary as seen from Rectory Lane to the northwest of the asset.*

- 5.5. As discussed in Heritage PoE Appendix 4, the chancel of the Church became a mausoleum for the Earls and Countesses of Rutland following the Dissolution of the Monasteries, with the use remaining until the establishment of the Dukedom in the early 18<sup>th</sup> century and subsequent building of a mausoleum at Belvoir Castle. It is, however, understood that a patronage connection between the Manners Family and the Church remains.
- 5.6. The connection with the Earls and Countesses, and later Dukes and Duchesses, of Rutland is considered to contribute to the historic interest of the building. It is, however, noted that despite the connection, the Church has always remained a 'Parish Church' not an 'Estate Church', and there is no correlation between the establishment of the Church and Belvoir Castle. Furthermore, the latter retains a private chapel known to have been introduced as part of the third iteration of Belvoir Castle (i.e., as part of the domestication of Belvoir Castle)

with the current private chapel associated with the 19<sup>th</sup> century fourth iteration. A mausoleum was also introduced into the Castle grounds in the 19<sup>th</sup> century, the establishment of which saw the cessation of burials of the Manners family within the Church.

- 5.7. No connections between the architectural style of the Church and Belvoir Castle have been identified, nor have any visual connections beyond what occurs as a result of the topographical position of Belvoir Castle. The orientation of Belvoir Castle does not facilitate direct views towards the Church, rather it forms part of the general panoramic view obtainable from Belvoir Castle and its immediate surrounds – see discussion in Section 4 of my Evidence. A glimpsed view in the direction of Bottesford is possible from the terrace to the north of Belvoir Castle, where it forms part of the wider landscape to the north and northwest of the Castle visible from this location, where breaks in mature vegetation allow. The break which affords the view is not shown as a designed break to facilitate a vista on the Brown's plans for the landscape, and the orientation of Belvoir Castle coupled with the designed landscape does not suggest that this was a designed vista towards the Church of St Mary. More encompassing views across the Vale in general are available from the upper floors and roofscape of Belvoir Castle; however, the Church spire forms one part of a wide panoramic view of the landscape with no evidence of it being a designed focal point from Belvoir Castle. The overall composition of views from Belvoir Castle and its surrounds, as discussed in Section 4 of my Evidence, is reiterated in this regard.
- 5.8. It is also noted that whilst Rev. Sir John Thoroton, the rector of the Church of St Mary between 1782 and 1820, was involved in the design of the early 19<sup>th</sup>-century building works at Belvoir Castle, there is no indication that Thoroton influenced the design of any works at the Church during his incumbency. Thoroton died prior to the remodelling of the spire.
- 5.9. No designed routes between the Church of St Mary and Belvoir Castle have been identified.
- 5.10. The 'setting' of the Church of St Mary contributes to its significance, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which I consider contribute to its heritage significance comprise:
- The location and position of the asset within the defined churchyard and the experience and appreciation of the asset from this location. From this location the architectural detailing can be best experienced (in particular the crocketed detail of the spire and the lucarne windows), as can the relationship with the various memorials which are situated within the churchyard;
  - The spatial and functional relationship between the asset and the wider settlement of Bottesford which it serves, and the experience and appreciation of the asset from the settlement. This is particularly relevant with regard to the elements of the historic core which are located in proximity to the Church;
  - The associative connection relationship between the asset and Belvoir Castle via the connection with the Earls and Countesses, and later Dukes and Duchesses, of Rutland, albeit noting the lack of designed interaction; and
  - The experience of the asset, where possible, from the immediate and wider surrounds of the settlement of Bottesford.

- 5.11. The level of contribution made by the latter is considered to be less than the relationship (spatial and visual) with the churchyard and built aspect of the settlement. It is from these locations that the asset is best experienced, appreciated and understood.
- 5.12. This assessment correlates with that presented by the Inspectorate in their consideration of the residential redevelopment of *Land Off Station Road, Long Melford, Suffolk*.<sup>42</sup> Within their assessment of potential impacts on the Grade I Listed Church of the Holy Trinity the Inspector set out that:

***“382. – It [the Church of the Holy Trinity] derives much of its significance from its architectural quality, scale, location and presence providing evidential illustrative and aesthetic value. It forms a local landmark and can be seen from significant distances in the surrounding area however visibility is not the test of the contribution to significance albeit it may influence that. These values are best appreciated in reasonably close proximity to the church, the adjacent graveyard, the Green and the more immediate surrounding area. [114, 116, 282, 283].”***<sup>43</sup> (my emphasis)

- 5.13. In relation to the experience of the Church of St Mary from the immediate hinterland of the settlement of Bottesford, assessment has determined that its views from areas to the south which surround the settlement, north of the A52, which are considered to be of most value. When viewed from these locations the Church spire is viewed set within the settlement of Bottesford (and/or the modern extent of Easthorpe), with residential development in the foreground. These incidental views, where possible, allow for a degree of appreciation of the architectural form of the asset, and an understanding as to its positioning within the settlement. The level of contribution which these views make to the overall heritage significance of the asset, via setting, is dependent on the location and extent of visibility. In all such cases, the level of contribution is less than that associated with the experience of the asset from within the churchyard and associated settlement.
- 5.14. The Church spire is also visible from within the wider landscape to the south of the settlement, including from south of the A52. Within these incidental views, whilst the spire remains visible as a 'marker' within the landscape, it is not experienced or understood alongside the surrounding settlement of Bottesford in the same manner as it is from the areas north of A52 and in the immediate vicinity of the settlement. Indeed, from certain locations, and in particular as one moves further south, the Church is not visible in conjunction with the settlement at all (see *Heritage Viewpoints 7A and 13A*). The architectural detailing of the spire is not as clearly appreciated due to distance as one moves further away from the Church, and there is no indication that views from the south were of any particular importance in the design of the spire. Such factors limit the level of contribution which can be considered to derive from such incidental views in the context of the overall heritage significance of the asset, and it remains that the level of contribution is less than that associated with the experience of the asset from within the churchyard and associated settlement.

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<sup>42</sup> APP/D3505/W/18/3214377 – CD 6.37.

<sup>43</sup> Ibid.



*Plate 43: View of the Church of St Mary from within its associated churchyard (July 2024).*



*Plate 44: View north towards the Church of St Mary from Rectory Lane, Bottesford (July 2024).*



*Plate 45: View north towards the Church of St Mary from Church Street, Bottesford (July 2024).*



*Plate 46: View south towards the Church of St Mary from Rectory Lane, Bottesford (July 2024).*



*Plate 47: View northwest towards the Church of St Mary from Easthorpe Road, Easthorpe (July 2024).*



*Plate 48: View north from the terrace north of Belvoir Castle from where a glimpsed view of the Church of St Mary is visible through the lefthand break in the trees (July 2024).*

## Contribution Made by the Appeal Site

- 5.15. The Appeal Site comprises 13no. agricultural fields c.1.2km southeast of the Church of St Mary, at its closest point. The current field pattern associated with the Appeal Site is not reflective of a medieval landscape, and does not form part of the agricultural hinterland of the settlement of Bottesford. With regard to the latter, the distance between the Church and the Appeal Site is reiterated, alongside the intervening built form of the modern extent of the settlements of Bottesford and Easthorpe and the A52. The A52 is of particular note, with this forming a physical barrier within the landscape between the settlements of Bottesford and Easthorpe to the north and the wider agricultural landscape (including the Appeal Site) to the south.
- 5.16. No views of the Appeal Site are available from the Church of St Mary or its associated churchyard, nor is the Appeal Site experienced from within the settlement of Bottesford.
- 5.17. Views of the Appeal Site may be possible from the Church tower, at the base of the spire and from the lucarne windows within the spire. However, access to the tower and spire is likely to be associated with maintenance only, and I have not identified any evidence to suggest that the enjoyment of outward views from the tower or spire lucarnes formed part of the design intent of the asset.
- 5.18. As detailed above, when considering views of the Church spire from the surrounding area, it is views from within the settlement of Bottesford and the immediate environs of the settlement which are considered to be of most value.
- 5.19. The Church spire is visible to varying degrees from various locations throughout the Appeal Site, an indication of which is provided by Plates 49–54. Verified views demonstrating the extent of visibility from PRow No. F82 which crosses the Appeal Site northeast / southwest provided at *Heritage Viewpoints* 6B, 7A and 13A.<sup>44</sup> It is noted that PRow No. F82 does not align with the Church and there is no indication that the footpath provides a designed route to the Church.
- 5.20. With the exception of Plate 52, in the following photographs and *Heritage Viewpoints* 6B, 7A and 13A the view is focused in the direction of the Church, away from the direction of travel along the relevant PRow. Plate 52 is taken from PRow No. 90 which runs approximately north / south along part of the western boundary of the Site. Whilst 'aligned' with the Church for part of its course, there is no indication that the footpath provides a designed route to the Church, and the Church is not visible from its full length as it extends along the boundary of the Appeal Site.
- 5.21. It is also noted that due to its size there are parts of the Appeal Site from which the Church spire is not visible, or the extent of visibility is less than shown on the following plates and at a *Heritage Viewpoints* 6B, 7A and 13A.

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<sup>44</sup> Included within Appendix 13 of CD 1.33–7.





*Plate 49: Example view towards the Church of St Mary from within the Appeal Site (July 2024).*



*Plate 50: Example view towards the Church of St Mary from within the Appeal Site (July 2024).*



*Plate 51: Example view towards the Church of St Mary from within the Appeal Site (July 2024).*



*Plate 52: Example view towards the Church of St Mary from within the Appeal Site (July 2024).*



*Plate 53: Example view towards the Church of St Mary from within the Appeal Site (November 2023).*



*Plate 54: Example view towards the Church of St Mary from within the Appeal Site (November 2023).*

- 5.22. From the location depicted in *Heritage Viewpoints* 6B, 7A and 13A, the Church spire is viewed as a way marker within the landscape, in some cases in conjunction with the modern extent of the settlement of Easthorpe, with the Appeal Site forming part of the agricultural land within the foreground of the Appeal Site.
- 5.23. These incidental (and static) views allow for a degree of appreciation of the architectural form of the asset, and an understanding of its functional role as a 'way marker'. They do not, however, provide an understanding as to its positioning within the settlement of Bottesford. This reduces the contribution made by these views of the overall heritage significance of the Church.
- 5.24. The current 'undeveloped' nature of the Appeal Site also facilitates views of the Church spire from the from the lowering lying land to the south of the Appeal Site. It is, however, noted that as one moves further away the level of understanding and experience can be considered to reduce.
- 5.25. With regards to the understanding of the connection between the Church of St Mary and Belvoir Castle from the intervening landscape, of which the Appeal Site forms part of, the following points are made:
- No designed intervisibility between the Church and Belvoir Castle has been identified.
  - Due to the orientation of the Church and Belvoir Castle in relationship to each other no legible co-visibility between the two assets has been identified from within the Appeal Site or its immediate surrounds. In order to view one asset clearly the viewer must turn away from the other.
  - No designed routes between the Church and Belvoir Castle have been identified.
- 5.26. In summary, it is my opinion that whilst the Appeal Site forms part of the 'setting' of the Church of St Mary which contributes to the significance of the asset, with this contribution derived from the ability to understand and experience the Church as a way marker in the landscape, the level of contribution made by the Appeal Site is, less than that associated with the understanding, experience and appreciation of the asset from its associated churchyard, the settlement of Bottesford and the immediate surrounds of Bottesford and Easthorpe to the north of the A52. Thus, it is my opinion that the Appeal Site forms part of the 'setting' of Church of St Mary which makes a limited, at most, contribution to the overall heritage significance of the asset.

## **Change Which Would Occur from the Appeal Proposals and Assessment of Impact**

- 5.27. When considering how the appeal proposals may result in a change that impacts upon the overall heritage significance of the Church of St Mary, it is emphasised that *The Setting of Heritage Assets* states the following in relation to impacts arising from the loss of distant views of churches:

***“Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated,***

***they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.***<sup>45</sup>

- 5.28. Another important consideration is that designed views of a church from specific areas of the wider rural landscape, or from specific viewpoints, are not the norm, with views from incidental points in the wider rural landscape most commonly being derived from the scale of the buildings, and its intention as a way marker.
- 5.29. The proposed development would not result in a change that would impact upon the experience and appreciation of the Church of St Mary from within the surrounding churchyard, from within the settlement of Bottesford or from the immediate surrounds of the settlement. It is from these areas that the form and siting of the asset is best appreciated and understood.
- 5.30. Views of the Appeal Site may be possible from the tower at the base of the spire of the Church and the lucarne windows in the spire; however, such outward views are not considered to form part of the design intent of the asset, with access to these areas for maintenance only. Furthermore, even if the Appeal Site was to be visible, it would form one part of a panoramic view, some distance from the asset.
- 5.31. At §3.47 of the MBC SoC, MBC state that the proposed development would 'divorce' the Church of St Mary from what MBC refer to as '*its rural surrounds*'. As demonstrated at Plate 40, the Appeal Site has no direct physical relationship with the agricultural hinterland of Bottesford, with built areas of the settlement (historic and modern) and the A52 separating the two. The proposed development would not alter the spatial relationship of the Church with the agricultural hinterland of the settlement of Bottesford (as now including Easthorpe) to the north, east and west of the settlement, nor the relationship with the agricultural hinterland north of the A52. The settlement is already physically separated for the wider landscape to the south by the A52.
- 5.32. Accordingly, I do not consider that the proposed development would result in a change that would divorce the Church from '*its rural surrounds*'.
- 5.33. The proposed development will result in a change to views of the Church of St Mary from within the Appeal Site, with the extent of change varying depending on the location. In order to articulate how change may arise, I have utilised the photomontages prepared in relation to *Heritage Viewpoints* 6B, 7A and 13A. In considering these viewpoints, it is important to take into account that they provide an indication of three, static views of the Church from incidental points along PRoW No. F82, with the overall experience of the Church from within the landscape being a kinetic one. It is also reiterated, there are numerous points from within the Appeal Site and surrounding landscape where the Church is not visible due to topography and intervening vegetation, and thus where there would be not change to the experience of the asset.

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<sup>45</sup> Historic England, *GPA* 3, p. 7 – CD 4.22.

- 5.34. The position and orientation of the viewpoints is noted with *Heritage* Viewpoints 6B, 7A and 13A depicting direct views towards the Church. As one moves east / west across the Appeal Site along PRow No. F82, any views of the Church would be in an oblique manner. Accordingly, *Heritage* Viewpoints 6B, 7A and 13A can be considered to represent indicative 'worst case scenarios'.
- 5.35. It is also important to take into account that the proposed solar development will not 'remove' the agricultural landscape as the fields beneath the panels will remain as will existing field boundaries, allowing for the agricultural landscape to still be read and understood.
- 5.36. *Heritage* Viewpoint 6B indicates that from this point of the PRow the proposed development would be visible in the foreground of the view, set behind an existing hedgerow boundary which be subject to enhancement and management. The latter will allow for the physical retention and understanding of the existing field pattern (as discussed above) and provide a degree of screening, in particular by Year 5. It is important to note that the manner to which the solar panels would be viewed would change throughout the day due to their 'tilting' nature and they will only be directly in line with the eye of the viewer from this location for a certain percentage of the day. Due to the height and prominence of the Church spire, and the low height of the proposed development, the Church spire will remain clearly visible, as would the modern extent of Easthorpe. Thus, the understanding of the Church as way maker in the wider landscape, set amongst a settlement, would remain.
- 5.37. The photomontage for *Heritage* Viewpoint 6B also provides an indication of the heritage interpretation which is proposed to be delivered as part of the scheme, providing the opportunity for an enhanced understanding of the Church for those utilising the PRow network.
- 5.38. *Heritage* Viewpoints 7A details a view c.200m southwest of *Heritage* Viewpoint 6B from the same PRow. As existing, the Church spire is seen some distance from the Appeal Site with agricultural land in the foreground. Unlike Viewpoint 6B the Church spire is not readily experienced with associated settlement in the foreground, with this providing an indication as to the changing experience of the Site.
- 5.39. As demonstrated by the Year 1 visualisation for Viewpoint 7A, the installation of the proposed solar panels would not obscure views of the Church spire from this location. It is, however, recognised that the proposals would result in a change to the character of the foreground, although wider aspects of the undeveloped agricultural landscape would still be visible. By Year 5, proposed mitigation planting would obscure views of the Church spire from this location. In this regard it is important to note that this is a change from one location, with this not a designed viewpoint (as is the case for all locations from where the Church spire can be seen from within the Appeal Site).
- 5.40. *Heritage* Viewpoint 13A details a view c.360m southwest of *Heritage* Viewpoint 7A from the same PRow. As existing, the Church spire is seen some distance from the Appeal Site with agricultural land in the foreground. Unlike *Heritage* Viewpoint 6B the Church spire is not readily experienced with associated settlement in the foreground, with this providing an indication as to the changing experience of the Site. The change resulting to the view of the Church spire from this location would be as per that associated with *Heritage* Viewpoint 6B, as discussed above.

- 5.41. The variation between the change in the understanding and experience from PRow No. F82 detailed by the photomontages for *Heritage* Viewpoints 6B, 7A and 13A clearly articulates the varied and kinetic manner to which the Church spire is experienced and the change which would occur. For example, whilst views of the Church spire would be removed from in the vicinity of *Heritage* Viewpoint 7A at Year 15, it would remain visible albeit within the context of the solar farm. This trend is reflective of the change would occur across the Appeal Site as a whole.
- 5.42. Due to the setting back of the proposed development from Easthorpe Lane, it is not anticipated that the proposed development would be co-visible with the Church spire when travelling towards Bottesford along Easthorpe Lane, with this being the historic route (albeit now severed by the A51) between Muston and Bottesford, via Easthorpe. As set out in Section 3 of my Evidence, the setting back of the proposed development from Easthorpe Lane has evolved as part of the design process and demonstrates one way in which the proposals have sought to minimise impact of the Church of St Mary, in accordance with §201 of the NPPF. Should any co-visibility occur, the proposals would be viewed as offset from the alignment of Easthorpe Lane, would not be within the foreground of the Church and would not alter the overall understanding and experience of the Church from this location.



*Plate 55: Example view towards the Church of St Mary from Easthorpe Lane to the north of the Appeal Site. The field visible to the left of the route is not within the redline having been removed as part of the evolution of the scheme (July 2024).*

- 5.43. The ability to view the proposed development from the wider surrounds of the Appeal Site to the east and west is anticipated to be limited due to the low-level height of the proposed development, the manner to which the existing field pattern and boundaries would be retained and enhanced, and the general topography of the area. Where glimpsed views of the proposed development may be possible in the same view as the Church of St Mary, they would be viewed as a change within the wider landscape, separate from the Church spire and its associated settlement, as demonstrated by *Landscape Viewpoint 6*.<sup>46</sup> The overall understanding and experience of the Church spire as a way maker in the landscape would not be altered.
- 5.44. The same would also be case in views from the south, with the depreciating experience of the Church spire in terms of its architectural form and siting noted. The ability to view the Church spire as a way maker would remain, with the retained agricultural surrounds to the east, south and west of the Appeal Site visible in foreground and alongside the proposed development.
- 5.45. There would be no change to the ability to view the Church spire from the elevated position of Belvoir Castle and its immediate surrounds, where possible. In such views, the proposed solar panels would be viewed as a discrete visual change in a wide- and far-reaching landscape view. The low-lying nature of the proposed development is highlighted, as is the existing presence of modern vertical features within such views including a number of wind turbines. The resulting change would not alter the understanding of the Church spire as a way marker in the much wider landscape to the north of Belvoir Castle. As discussed above, no designed visual connections between the two have been identified beyond what would naturally occur as a result of the topographical context.
- 5.46. The proposed development would not alter any designed routes between the Church of St Mary and Belvoir Castle, and whilst both assets may be visible alongside the proposed development from certain locations, the viewer need to change their point of orientation to view each asset as opposed to them being visible in the same line of sight. This is clearly demonstrated by *Heritage Viewpoints 6A and 6B*.

### Summary Conclusions

- 5.47. In summary:
- The proposed development would not result in a change that would impact upon the experience and appreciation of the Church of St Mary from within the surrounding churchyard, from within the settlement of Bottesford or from the immediate surrounds of the settlement. It is from these areas that the form and siting of the asset is best appreciated and understood.
  - The proposed development would not alter the understanding of the associative connection between the Church of St Mary and Belvoir Castle.
  - The proposed development would result in a change to incidental views of the Church of St Mary in views *from* Appeal Site. In the majority of views, the change would be limited to a change in the character of the foreground, with the Church

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<sup>46</sup> CD 1.33-6.



spire remaining understood as way marker in the landscape, albeit in from within a different context. Views of the Church would be removed from certain locations; however, in considering the loss of such views their incidental nature is reiterated, alongside the kinetic manner to which the Church is experienced from within the surrounding landscape.

- The proposed development would be visible in the foreground of some views of the Church from the south, including from Belvoir Castle; however, it would not alter the understanding of the Church as a way finder in the landscape.

5.48. Based upon the above, and taking into account Historic England guidance, it is my opinion that the harm arising to the overall heritage significance of the Church of St Mary, via a change in 'setting', would be less than substantial, at the lower end of the spectrum. Such harm would be associated to changes to the understanding and experience of the Church from within the Appeal Site only.

5.49. The harm identified would be removed on the decommissioning of the solar farm.

## 6. Consideration of the Identified Heritage Assets at Muston.

6.1. As set out in Section 1 of my evidence, the only heritage assets at Muston which have been identified by the parties as having the potential to be sensitive to the Appeal proposals are:

- Scheduled Moated Grange with Fishpond (henceforth referred to within this Section as 'Scheduled Grange site').
- Grade II\* Listed Church of St John the Baptist.

6.2. The location of the Scheduled Grange Site and the Church of St John the Baptist in relation to the Appeal Site is detailed at Plate 56.

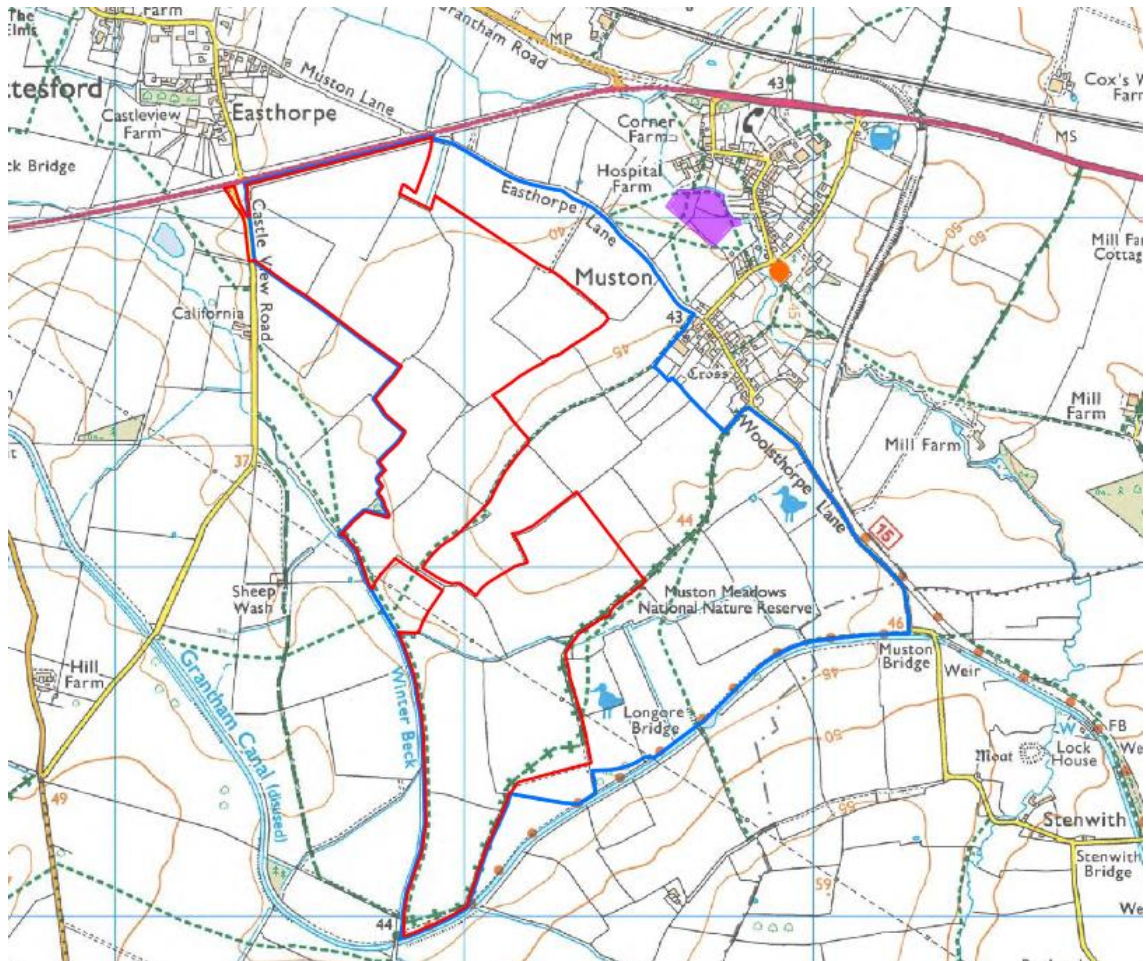


Plate 56: Map detailing the location of the Scheduled Grange site (purple) and Church of St John the Baptist (orange) in relation to the Appeal Site (red line).

- 6.3. The key issues associated with the Scheduled Grange Site and the Church of St John the Baptist are as follows:
- What is the heritage significance of the Scheduled Grange Site and the Church of St John the Baptist, including any contribution made by its 'setting'.
  - What contribution is made by the Appeal Site to the overall heritage significance of the Scheduled Grange Site and the Church of St John the Baptist, if any.
  - What change would occur as a result of the Appeal proposals in terms of how the Scheduled Grange Site and the Church of St John the Baptist are experienced and appreciated, and how any harm will arise to their overall heritage significance of the identified heritage assets as a consequence of the change.
- 6.4. Background information on the identified heritage assets and their 'context' which supports the assessments presented in this Section are provided at Heritage PoE Appendix 5.

## Scheduled Grange Site

- 6.5. The Scheduled Grange site is located c.355m northeast of the Appeal Site at its closet point, with intervening areas undeveloped agricultural fields and Easthorpe Lane (see Plate 56).



*Plate 57: View northwest across the Scheduled Grange site.*

## Statement of Significance

- 6.6. The heritage significance of the Scheduled Grange site is principally derived from the historic and archaeological interest of the visible earthworks and below ground remains of the former medieval grange site. Specifically:
- The asset has historic interest in the information which it can provide on medieval grange sites were laid out and their component parts.
  - The asset has archaeological interest in the potential environmental and material evidence that may exist within the Scheduled area and which could provide information on the occupation of the site.
- 6.7. Under 'Reasons for Designation', the List Entry identifies that:
- "The moated grange at Muston contains substantial earthworks and has well documented connections with the distant priory of Olveston near Bristol."***
- 6.8. The 'setting' of the Scheduled Grange site also contributes to the heritage significance of the Scheduled Monument, although the significance derived from its 'setting' is less than that from its physical remains. The principal elements of the physical surrounds and experience of the asset (its 'setting') which I consider now contribute to its heritage significance are detailed below.
- The spatial relationship between the Scheduled Grange site and the wider settlement of Muston to the east. This contributes to the understanding of the Grange site in the context of this historic, and contemporary, settlement to which the complex operated alongside, and the later development of the said complex following the Dissolution of the Monasteries.
  - The physical and visual relationship with contemporary medieval structures within the settlement of Muston (including the Church of St John the Baptist), providing evidence as to the historic and contemporary situation of the Grange and its operations.
  - The spatial and visual relationships between the Scheduled Grange site and elements of the immediately adjacent agricultural landscape, elements of which are likely to have formed part of the landholdings of the Grange, where proximate and intervisible. This provides an understanding as to the historic operation and purpose of the Grange, and particularly relevant to the immediate hinterland of the Grange site (i.e., fields which straddle Easthorpe Lane) and areas which contain evidence of contemporary agricultural activity.
- 6.9. When considering the visual and spatial relationships between the Scheduled Grange site and the surrounding agricultural landscape beyond the immediate hinterland of the Scheduled area, it is important to note that any assumed functional associations would have been severed at the time of the Dissolution, and the landscape has changed since then through enclosure and later interventions.
- 6.10. It is noted that the Church of St Mary, Bottesford, is visible from within the Scheduled area and from within the wider agricultural landscape, with the Church having medieval origins. It

is, however, noted that the spire of the Church of St Mary as now visible was rebuilt in the 19<sup>th</sup> century, and thus it is my opinion that any contribution which can be deemed to be made from the visual relationship between the Scheduled Grange site and this asset is limited, at most. No historic associative connections between the Scheduled Grange and the Church of St Mary have been identified.

- 6.11. No visual relationships between the Scheduled Grange complex and with Belvoir Castle have been identified due to the expression of the Monument, surrounding field boundaries and the topography. Furthermore, it is noted that whilst built form at the Castle site has medieval origins, the current iteration of the Castle dates to the 19<sup>th</sup> century. No historic associative connections between the Scheduled Grange site and Belvoir Castle have been identified.
- 6.12. A Benedictine priory is known to have been established at Belvoir, close to the castle, by Robert de Todeini in the 11<sup>th</sup> century, the motherhouse of which was St Albans Abbey. There is no evidence that the Grange complex at Muston was connected to Belvoir Priory, with the List Entry identifying a connection with Olveston near Bristol. Belvoir Priory (of which no standing remains survive) was dissolved alongside St Albans Abbey at the time of the Dissolution. Accordingly, even if any connections may once have existed, they have long since been severed and are no longer understood.



*Plate 58: View towards the Scheduled Grange site from the PRow which crosses the field to the south of the designation. The boundary of the designation is roughly indicated by the tree belt, with evidence of ridge and furrow earthworks visible in the foreground (July 2024).*



*Plate 59: View towards the settlement of Muston and Church of St John the Baptist from within the Scheduled area. (November 2023).*

### **Contribution Made by the Appeal Site**

- 6.13. The Appeal Site comprises 13no. agricultural fields, forming part of the wider agricultural hinterland of Muston, located c.355m southwest of the Scheduled Grange, at its closest point, with intereving areas comprising agricultural fields and the route of Easthorpe Lane.
- 6.14. The current field pattern associated with the Appeal Site is not reflective of a medieval landscape. The Geophysical Survey of the Appeal Site undertaken in 2020<sup>47</sup> did not identify any anomalies suggestive of medieval settlement, nor were any such evidence identified via the subsequent 2022 Archaeological Evaluation.<sup>48</sup> The Geophysical Survey identified evidence of buried features associated with plough furrows; however, these have no above ground expression and are not experienced 'on site'.
- 6.15. No definitive evidence of an economic, social or historic connection between the Appeal Site and the Scheduled Grange site has been identified. Furthermore, should any such connections have been present, they would have been severed at the time of the Dissolution.

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<sup>47</sup> CD 1.33–8.

<sup>48</sup> CD 1.36.

- 6.16. No intervisibility between the Scheduled Grange site and the Appeal Site have been identified. Furthermore, no legible co-visibility of both the Scheduled Monument and the Appeal Site within the wider landscape have been identified.



*Plate 60: View south in the direction of the Appeal site (not visible) from the Scheduled Grange site.*

- 6.17. The Appeal Site does not contribute to the understanding or experience of the Scheduled Grange site within its immediate surrounds, and does not contribute to the understanding, experience or appreciation of the elements of the 'setting' of the asset which contributes to its heritage significance, as set out above.
- 6.18. Taking into account the above, it is my opinion that the Appeal Site does not form part of the 'setting' of the Scheduled Grange site which contributes to their overall heritage significance.

## **Change Which Would Occur from the Appeal Proposals and Assessment of Impact**

- 6.19. The proposed development would not physically impact upon the Scheduled Grange site, or the elements of its 'setting' which are considered to contribute to its heritage significance set out above.
- 6.20. As set out in Section 3 of my Evidence, potential impacts on the Scheduled Grange site via a change in 'setting' have formed a key consideration of the project from its early stages. Specifically, the fields closest to Easthorpe Lane have been purposefully removed from the scheme as it has evolved. Accordingly, it can be demonstrated that the scheme has sought

to minimise, and ultimately avoid (see further below), potential impacts on the Scheduled Monument, in line with §201 of the NPPF.

- 6.21. This was acknowledged within the consultation response provided by Historic England on 8<sup>th</sup> June 2022:

***"The applicant engaged Historic England in detailed pre-application discussions between January and October 2021. Advice was provided on the assessment of the heritage assets and their settings, and the impact of the scheme.***

***We welcome the amendments that the applicant has incorporated into the submitted design in order to address some of the concerns highlighted.***

...

***The most negative impacts upon the setting of the scheduled monument have been appropriately addressed through the removal of the fields adjacent to Easthorpe Lane, and the inclusion of the proposed landscaping and vegetation strategy."***<sup>49</sup>

- 6.22. *Heritage Viewpoints 3A, 3B and 3C*<sup>50</sup> are all taken from within the bounds of the Scheduled area and identify that the proposed development would not be visible from these locations. Furthermore, the photomontages for *Heritage Viewpoints 4 and 5* confirm that the proposed development would not be visible from Easthorpe Lane in the immediate vicinity of the Scheduled Area. The lack of visibility results from the topography of the area, the informed siting of the proposed solar panels (see above) and the manner to which the proposals would be contained within the existing field pattern by mature (and proposed) boundary hedges. In this context, as discussed earlier in my Evidence, the proposed solar development will not 'remove' the agricultural landscape as the fields beneath the panels will remain as will existing field boundaries, allowing for the agricultural landscape to still be read and understood.
- 6.23. Based upon onsite assessment, alongside information provided by the '*Holborn Amendment*' ZTV<sup>51</sup> and *Heritage Viewpoints*, there would be no opportunity to legibly experience the proposed development and the Scheduled Monument within the same view from the surrounding landscape again due to the topographical features, the hedgerows associated with the existing field pattern and the settlement of Muston.
- 6.24. Furthermore, based upon the lack of any definitive historic functional or associative connections, and the clear physical separation which is present, the proposed development would not alter the understanding and experience of the Scheduled Grange site in a 'non-visual' manner.

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<sup>49</sup> CD 7.14A.

<sup>50</sup> Included within Appendix 13 of CD 1.33-7.

<sup>51</sup> As included at Appendix 1 (Figure 7) of the Evidence of Mr Kratts.



- 6.25. The limited, at most, contribution made by the visual relationships between the Scheduled Grange complex and the Church of St Mary will remain. The structure would remain visible in the landscape as one traverses the Monument, on the approach from Easthorpe Lane and on the approach to or from the Scheduled area from its immediate hinterland.
- 6.26. It is thus my opinion that the proposed development would not result in a change that would cause harm to the overall heritage significance of the Scheduled 'Moated grange with fishpond at Muston', via a change in 'setting'.

## **Grade I Listed Church of St John the Baptist**

- 6.27. In summary, the Grade I Listed Church of St John the Baptist comprises a 13<sup>th</sup>-century parish church subject to restoration in the 19<sup>th</sup> century. The Church is located within a defined churchyard, within the core of the settlement of Muston. The Appeal Site lies c.510m southwest of the Church, at its closest point, with intervening areas comprising the built form of the settlement of Muston and its immediate agricultural hinterland (see Plate 56).

## **Statement of Significance**

- 6.28. The heritage significance of the Grade I Listed Church of St John the Baptist is principally derived from the historic, architectural, aesthetic and archaeological interest of the physical fabric of the asset as an example of a parish church with medieval origins, subject to 19<sup>th</sup>-century restoration.
- 6.29. The 'setting' of the asset also contributes to its significance, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which I consider contribute to its heritage significance comprise:
- The location and position of the asset within the defined churchyard and the experience and appreciation of the asset from this location. From this location the architectural detailing can be best experienced, as can the relationship with the various memorial which are situated within the churchyard;
  - The spatial and visual relationship between the asset and the wider settlement of Muston which it serves, and the experience and appreciation of the asset from the settlement. This is particularly relevant with regard to the elements of the historic core which are located in proximity to the Church; and
  - The experience of the asset, where possible, from the immediate and wider surrounds of the settlement of Muston.
- 6.30. The level of contribution made by the latter is considered to be less than the relationship (spatial and visual) with the churchyard and built aspect of the settlement. It is from these locations that the asset is best experience, appreciated and understood. The low height of the Church spire and surrounding built form and mature vegetation also limits the extent of visibility of the Church from the surrounding area.



Plate 61: The Church of St John the Baptist, seen set within its associated churchyard from Church Lane to the north of the asset within the settlement of Muston.

### **Contribution Made by the Appeal Site**

- 6.31. No views of the Appeal Site are available from the Church of St John the Baptist or the surrounding churchyard. Furthermore, the Appeal Site is not experienced within views of the Church from within the settlement of Muston.
- 6.32. Views of the Appeal Site may be possible from the Church tower, at the base of the spire and from the lucarne windows within the spire. However, access to the tower and spire is likely to be associated with maintenance only, and I have not identified any evidence to suggest that the enjoyment of outward views from the tower or spire lucarnes formed part of the design intent of the asset.
- 6.33. The Church spire is visible from various locations throughout the Appeal, and from the PRoW network which crosses the Appeal Site and runs adjacent to its boundaries, albeit it to a lesser degree than the spire of the Church of St Mary due to its lower height. Whilst much of the built form of Muston is screened from these views, the general understanding of the Church as sited within a settlement remains understood by the extent and type of mature vegetation which surrounds it, as indicated by *Heritage Viewpoint 7B*.



*Plate 62: Example view towards the Church of St John the Baptist from within the Appeal Site, from the western edge of Field 11 (November 2023).*



*Plate 63: Example view towards the Church of St John the Baptist from the boundary of the Appeal Site, at the eastern edge of Field 7 (November 2023).*

- 6.34. Within these locations, the Church spire is viewed as a way marker within the landscape, associated with a small settlement. These incidental (and static) views allow for a degree of appreciation of the architectural form of the asset, and an understanding of its functional role as a 'way marker'. It is, however, important to take into account that any contribution that may derive from incidental views within the Appeal Site, and beyond, is not predicated on any particular location.
- 6.35. Views of the Church, and the ability to experience and understanding, reduce as one moves further east, southeast and west beyond the Appeal Site, as indicated by *Heritage Viewpoint 12* which details the view from Castle View Road. Nevertheless, it is acknowledged that where views of the Church spire are obtainable 'across' the Appeal Site from the immediate surrounds the east, southeast and south that the current 'undeveloped' nature of the Appeal facilitates such views, and provides an agricultural character to the foreground.
- 6.36. In summary, it is my opinion that whilst the Appeal Site forms part of the 'setting' of the Church which contributes to the significance of the asset, with this derived from the ability to understand and experience the Church as a way marker in the landscape, the level of contribution made by the Appeal Site is, however, less than that associated with the understanding, experience and appreciation of the asset from its associated churchyard, and the settlement of Muston. Thus, it is my opinion that the Appeal Site forms part of the 'setting' of Church of St John the Baptist which makes a limited, at most, contribution to the overall heritage significance of the asset.

## **Change Which Would Occur from the Appeal Proposals and Assessment of Impact**

- 6.37. The proposed development would not result in a change that would impact upon the experience and appreciation of the Church of St John the Baptist from within the surrounding churchyard, from within the settlement of settlement, or from the immediate surrounds of the settlement. It is from these areas that the form and siting of the asset is best appreciated and understood.
- 6.38. It is also important to take into account that there is a degree of separation between the proposed development and the settlement edge, and that the proposed development would not 'remove' the agricultural landscape within the wider surrounds of Muston as the fields beneath the panels will remain as will existing field boundaries, allowing for the agricultural landscape to still be read and understood.
- 6.39. Views of the Appeal Site may be possible from the tower at the base of the spire of the Church and the lucarne windows in the spire; however, such outward views are not considered to form part of the design intent of the asset, with access to these areas for maintenance only. Furthermore, even if the Appeal Site was to be visible, it would form one part of a panoramic view.
- 6.40. The proposed development would result in a change to views of the Church of St John the Baptist from within the Appeal Site. It is anticipated that in the majority of cases the change will comprise the introduction of solar panels into the foreground of views of the Church spire; however, there may also be some locations where the views of the spire are obscured by the proposed panels or landscaping. Where the solar panels would be visible in the foreground of views of the Church spire, the understanding of the Church as way maker in the wider landscape would remain, albeit viewed from within the context of a solar farm as

opposed to arable or pastoral field. The kinetic nature of the experience of the Church is also highlighted.

- 6.41. The ability to view the proposed development from the wider surrounds of the Appeal Site to the east and west is anticipated to be limited due to the low-level height of the proposed development, the manner to which the existing field pattern and boundaries would be retained and enhanced, and the general topography of the area. No change to the experience of the Church from the wider landscape beyond the Appeal Site is anticipated.
- 6.42. Due to the setting back of the proposed development from Easthorpe Lane (as discussed in Section 3 of my Evidence), it is anticipated that should the proposed development be co-visible with the Church spire when travelling towards Muston along Easthorpe Lane this would be extremely minimal and limited to glimpsed views of the uppermost parts of the development only from only a very limited number of locations. Indeed, onsite assessment indicated that breaks in the mature hedge which lines the southern side of the route only occurred as a result of the dying back of isolated sections of the hedgerow along the southern side of the route, with active management and replanting in place to reinstate the hedgerow in these locations. Should any co-visibility occur, the proposals would be viewed as offset from the alignment of the Lane, would not be within the foreground of the Church and would not alter the overall understanding and experience of the Church from this location.



*Plate 64: Example view towards the Church of St John the Baptist from Easthorpe Lane to the north of the Appeal Site. The field visible to the right of the gap in the hedgerow is not within the Appeal Site and will not be subject to change (July 2024).*

## Summary Conclusions

6.43. In summary:

- The proposed development would not result in a change that would impact upon the experience and appreciation of the Church of St John the Baptist from within the surrounding churchyard, from within the settlement of Muston or from the immediate surrounds of the settlement. It is from these areas that the form and siting of the asset is best appreciated and understood.
- The proposed development would result in a change to incidental views of the Church of St John the Baptist in view *from* Appeal Site. In the majority of views the change would be limited to a change in the character of the foreground, with the Church spire remaining understood as way marker, albeit in from within a different context. Views of the Church will be removed from certain locations; however, in considering the loss of such views their incidental nature is reiterated, alongside the kinetic manner to which the Church is experienced from within the surrounding landscape.

6.44. Based upon the above, and taking into account Historic England guidance, it is my opinion that the harm arising to the overall heritage significance of the Church of St John the Baptist, via a change in 'setting', would be less than substantial, at the lower end of the spectrum. Such harm would be associated to changes to the understanding and experience of the Church from within the Appeal Site only.

6.45. The harm identified would be removed on the decommissioning of the solar farm.

## 7. Consideration of Identified Harm Within the Decision-Making Process.

- 7.1. Details of the heritage legislation and planning policies which are considered relevant to this Appeal are provided at Heritage PoE Appendix 6.
- 7.2. As detailed at Sections 4–6 of this Proof of Evidence, it is my opinion that harm would arise to the following designated heritage assets, via a change in 'setting':
- Grade I Listed Belvoir Castle.
  - Grade I Listed Church of St Mary.
  - Grade II\* Listed Church of St John the Baptist.
  - Belvoir Conservation Area.
  - Grade II\* RPG at Belvoir Castle.
- 7.3. It is my opinion that the harm arising would be at the lower end of less than substantial harm. The harm identified would be removed following the decommissioning of the solar farm and removal of associated infrastructure. With regard to the latter, see commentary below on the content of National Policy Statement for Renewable Energy Infrastructure (EN-3).
- 7.4. The *Barnwell*<sup>52</sup> decision has established that there is a strong presumption against the granting of planning permission where development proposals would cause harm to the significance of a designated heritage asset. However, Lindblom J (*Forge Fields*<sup>53</sup>) concluded: *"The presumption is a statutory one. It is not irrebuttable. It can be outweighed by materials considerations powerful enough to do so."*<sup>54</sup>
- 7.5. The *Palmer* case sets out that:
- "Although the statutory duty requires special regard to 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."***<sup>55</sup>
- 7.6. The less than substantial harm identified to the above designated heritage assets should be considered alongside the wider public benefits of the proposals, in accordance with §208 of the NPPF and Policy EN13 of the Local Plan, as discussed below, the wording of which are in agreement.

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<sup>52</sup> *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137 – CD 6.6.

<sup>53</sup> *Jones v Mordue* [2015] EWCA Civ 1243 – CD 6.5.

<sup>54</sup> *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin). Paragraph 49 – CD 6.7.

<sup>55</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061. Paragraph 34 – CD 6.3.

- 7.7. The Courts (*Pugh*<sup>56</sup>) have held that where the decision-maker works through the sequence for dealing with proposals which impact upon heritage assets in the context of §205–208 of the NPPF and finds that any harm to significance is outweighed by public benefits, then the clear and convincing justification referred to at §206 of the NPPF is in place.
- 7.8. Such policies considerations are addressed within Section 8 of the Evidence of Mr Burrell.
- 7.9. With regard to the consideration of Belvoir Castle, the Church of St Mary and the Church of St John the Baptist, §66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
- “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”***<sup>57</sup> (my emphasis)
- 7.10. Key is the use of the terms ‘special regard’ and ‘desirability’. §66(1) does not state that where a development does not preserve or enhance a development that it must be considered contrary to legislation and should be refused. See also comments above regarding the *Palmer* case.
- 7.11. As clarified by the Court of Appeal (*Mordue*<sup>58</sup>), where the principles of the NPPF (specifically that of §202) are applied this is in keeping with the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires ‘special regard’ to be paid to ‘desirability of preserving the architectural and historic interest of a Listed Building, including any contribution made by its ‘setting’.
- 7.12. Unlike §66(1) of the 1990 Act, §72(1) of the 1990 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. Accordingly, §72(1) is not applicable to this case.
- 7.13. The Ancient Monuments and Archaeological Areas Act 1979 does not extend to the consideration of the setting of Scheduled Monument. Accordingly, The Ancient Monuments and Archaeological Areas Act 1979 is not applicable to this case.
- 7.14. There is currently no statutory protection for RPGs.
- 7.15. Reason for Refusal 4 makes reference to the following policies of the Melton Local Plan:
- Policy SS1 pertains to the ‘Presumption in favour of Sustainable Development.’
  - EN10 – Energy Generation from Renewable and Low Carbon Sources

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<sup>56</sup> *Pugh v SoS for Communities and Local Government* [2015] EWHC 3 (Admin) – CD 6.39.

<sup>57</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1) – CD 4.26.

<sup>58</sup> *Jones v Mordue* [2015] EWCA Civ 1243 – CD 6.5.



- Policy EN13 – Heritage Assets
- Policy D1 – Raising the Standard of Design

7.16. It is my understanding that the general approach to the consideration of the historic environment in the decision-making process set out within the above policies is in line with that set out in the NPPF. These policies are considered within Section 8 of the Evidence of Mr Burrell.

7.17. The reason for refusal also makes reference to Policy 9 of the Bottesford Neighbourhood Plan which pertains to the consideration of the Renewable Energy and Low Carbon Technologies. §3 of Policy 9 states that '*Development of individual and community scale proposals that use renewable and low carbon energy resources will be supported where the scheme has demonstrated compliance with national policy in weighing the benefit in reducing carbon emissions against the impact on heritage assets.*' This matter is considered within Section 8 of the Evidence of Mr Burrell, and his accompanying Appendix 5.

## 8. Position of the Parties Regarding the Historic Environment

- 8.1. Table 2 provides a summary of the case of relevant parties in regard to potential impacts on designated heritage assets identified for consideration as part of this Appeal.
- 8.2. Commentary provided by Historic England during the determination of the Planning Application has been provided for reference; however, it is highlighted that Historic England did not object to the Planning Application and are not represented at this Appeal.

Table 2: Summary of the heritage position.

Heritage Asset.	My Position.	Position of the MBC <sup>59</sup>	Position of Bottesford Parish Council	Position of Historic England <sup>60</sup>
Grade I Listed Belvoir Castle	Less than substantial harm, at the lower end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'.	Less than substantial harm, at the 'mid-point' of the spectrum.	Impacted upon by the proposed development – level of harm not quantified or discussed in the terms of the NPPF.	<i>"We would consider it to at least constitute a 'minor change to the significance' (as per table 3.3 of the EIA)... The level of impact would vary depending on the assets and where you are within the landscape. It would be lowest on the Register Park &amp; Garden, more apparent on Belvoir Castle and Church of St John, and most pronounced in views of the Church of St Mary... In the terminology of the National Planning Policy Framework (NPPF), the harm to the significance of the designated heritage assets would be categorised as less-than-substantial. We would consider the extent of harm to the scheduled monument would be low, rising to a more moderate degree of harm to the Church of St Mary."</i>
Grade II* RPG at Belvoir Castle	Less than substantial harm, at the lower end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'.	Less than substantial harm, at the 'mid-point' of the spectrum	Not referred to in BPA SoC.	

<sup>59</sup> As confirmed in a letter received by Heatons on behalf of MBC on 29<sup>th</sup> July 2024 – CD 10.12.

<sup>60</sup> CD 7.14.

Heritage Asset.	My Position.	Position of the MBC <sup>59</sup>	Position of Bottesford Parish Council	Position of Historic England <sup>60</sup>
Belvoir Castle Conservation Area	Less than substantial harm, at the lower end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'.	Less than substantial harm, at the 'mid-point' of the spectrum	Not referred to in BPA SoC.	Not referenced; however, noted that outside of the remit of Historic England in this situation.
Grade I Listed Church of St Mary, Bottesford	Less than substantial harm, at the lower end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'.	Less than substantial harm, at the 'mid-point' of the spectrum	Impacted upon by the proposed development – level of harm not quantified or discussed in the terms of the NPPF.	<i>"We would consider it to at least constitute a 'minor change to the significance' (as per table 3.3 of the EIA)... The level of impact would vary depending on the assets and where you are within the landscape. It would be lowest on the Register Park &amp; Garden, more apparent on Belvoir Castle and Church of St John, and most pronounced in views of the Church of St Mary... In the terminology of the National Planning Policy Framework (NPPF), the harm to the significance of the designated heritage assets would be categorised as less-than-substantial. We would consider the extent of harm to the scheduled monument would be low, rising to a more moderate degree of harm to the Church of St Mary."</i>
Grade II* Listed Church of St John the Baptist, Muston	Less than substantial harm, at the lower end of the spectrum, to the overall heritage significance of the asset via a change in 'setting'.	No harm.	Not referred to in BPA SoC.	<i>"...at most a negligible change to its significance (as per table 3.3 of the EIA)... In the terminology of the National Planning Policy Framework (NPPF), the harm to the significance of the designated heritage assets would be categorised as less-than-substantial. We would consider the extent of harm to the scheduled monument would be low, rising to a more moderate degree of harm to the Church of St Mary."</i>
Scheduled Earthwork Remains of Moated Grange Site, Muston	No harm to the overall heritage significance of the asset via a change in 'setting'.	Less than substantial harm, at the lower end of the spectrum	Not referred to in BPA SoC.	<i>"...at most a negligible change to its significance (as per table 3.3 of the EIA)... In the terminology of the National Planning Policy Framework (NPPF), the harm to the significance of the designated heritage assets would be categorised as less-than-substantial. We would consider the extent of harm to the scheduled monument would be low, rising to a more moderate degree of harm to the Church of St Mary."</i>

## 9. Summary Conclusions.

- 9.1. This Proof of Evidence presents my assessment and opinion of potential impacts on identified heritage assets which are the subject of this Appeal.
- 9.2. It is my opinion that the proposed development would result in less than substantial harm, at the lower end of the spectrum, to the heritage significance of the following heritage assets:
- Grade I Listed Belvoir Castle.
  - Grade I Listed Church of St Mary.
  - Grade II\* Listed Church of St John the Baptist.
  - Belvoir Conservation Area.
  - Grade II\* RPG at Belvoir Castle.
- 9.3. The harm identified arises from a change in 'setting' only and would be removed following the decommissioning of the solar farm and removal of associated infrastructure.
- 9.4. I do not consider that harm to the heritage significance of the following designated heritage assets, as identified by MBC, would arise as a result of a change in 'setting':
- Scheduled Moated Grange With Fishpond, Muston.
- 9.5. The *Barnwell*<sup>61</sup> decision has established that there is a strong presumption against the granting of planning permission where development proposals would cause harm to the significance of a designated heritage asset. However, Lindblom J (*Forge Fields*<sup>62</sup>) concluded: *"The presumption is a statutory one. It is not irrebuttable. It can be outweighed by materials considerations powerful enough to do so."*<sup>63</sup> Furthermore, the *Palmer* case sets out that *"Although the statutory duty requires special regard to 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."*<sup>64</sup>
- 9.6. The less than substantial harm identified should the above designated heritage assets should be considered alongside the wider public benefits of the proposals, in accordance with §208 of the NPPF, Policy EN13 of the Melton Local Plan and Policy 9 of the Bottesford Neighbourhood Plan.

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<sup>61</sup> *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137 – CD 6.6.

<sup>62</sup> *Jones v Mordue* [2015] EWCA Civ 1243 – CD 6.5.

<sup>63</sup> *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin). Paragraph 49 – CD 6.7.

<sup>64</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061. Paragraph 34 – CD 6.3.

- 9.7. The Courts (*Pugh*<sup>65</sup>) have held that where the decision-maker works through the sequence for dealing with proposals which impact upon heritage assets in the context of §205–208 of the NPPF and finds that any harm to significance is outweighed by public benefits, then the clear and convincing justification referred to at §206 of the NPPF is in place.
- 9.8. Such policies considerations are addressed within the evidence of Mr Burrell.
- 9.9. In regard to the consideration of Belvoir Castle, the Church of St Mary and the Church of St John the Baptist, as clarified by the Court of Appeal (*Mordue*<sup>66</sup>), where the principles of the NPPF (in particular that of §208) are applied this is in keeping with the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires ‘special regard’ to be paid to ‘desirability of preserving the architectural and historic interest of a Listed Building, including any contribution made by its ‘setting’. See also comments above regarding *Palmer*.

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<sup>65</sup> *Pugh v SoS for Communities and Local Government* [2015] EWHC 3 (Admin) – CD 6.13.

<sup>66</sup> *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin)– CD 6.7.

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