

Heritage Statement

Land at Brookman's Park, Great North Road, Hatfield, AL9 6NE

On behalf of Inmarsat

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Contents.

1. Introduction.....	4
2. Proposed Development.....	7
3. Site Description and Planning History.....	8
4. Methodology.....	14
5. Policy Framework.....	17
6. The Historic Environment.....	19
7. Assessment of Impacts.....	27
8. Conclusions.....	30

Appendices contents.

Appendix 1: Assessment Methodology.....	31
Appendix 2: Legislative Framework.....	37
Appendix 3: National Policy Guidance.....	38
Appendix 4: Relevant Development Plan Policies.....	44

Plates:

Plate 1: Site Location Plan. The redline covers the demise of the main Brookman's Park complex as a whole, with the area of the proposed works indicated by the red hatching.....	4
Plate 2: Aerial photograph of the Brookman's Park complex with the location of the proposed works indicated by the dashed red line.....	8
Plate 3: View across west the proposed area of development.....	9
Plate 4: View east across the proposed area of development.....	9
Plate 5: View across southeast the area of proposed development.....	9
Plate 6: Example of transmission equipment to the north of the area of proposed development.....	9
Plate 7: Example of modern workshop and office buildings adjacent to the area of proposed development.....	10
Plate 8: Brookman's Park, Sept. 1929 with the approximate location of the proposed development site indicated in red (Source: Britain from Above Ref. EPWO28957).....	10
Plate 9: Brookman's Park, Sept. 1929 with the approximate location of the proposed development site indicated in red (Source: Britain from Above Ref. EPWO28956).....	11
Plate 10: Brookman's Park, July 1947. The area of proposed development is out of shot; however, it is clearly not within the enclosed area (Source: Britain from Above Ref. EPWO28958).....	11
Plate 11: 2000 aerial photograph of the area of proposed development and its immediate surrounds demonstrating the presence of transmission equipment within the area (Source: Google Earth).....	12
Plate 12: Screenshot from the Welwyn and Hatfield Planning explorer map, the approximate location of the area of proposed development indicated by the blue box.....	13
Plate 13: Brookman's Park as seen from the northwest c. 1920s / 1930s (Source: Arqiva).....	20
Plate 14: Original layout of the main buildings and Brookman's Park (Source: Eckerlsey, P.P. & Ashbridge, N, "A Wireless Broadcasting Transmission Station for Dual Programme Service" in Journal of the Institute of Electrical Engineers, Vol, 68, No. 405, September 1930.).....	23

1. Introduction

1.1. Pegasus Group have been commissioned by Inmarsat to prepare a Built Heritage Statement to consider the proposed works at Brookman's Park, Great North Road, Hatfield, as shown on the Site Location Plan provided at Plate 1.

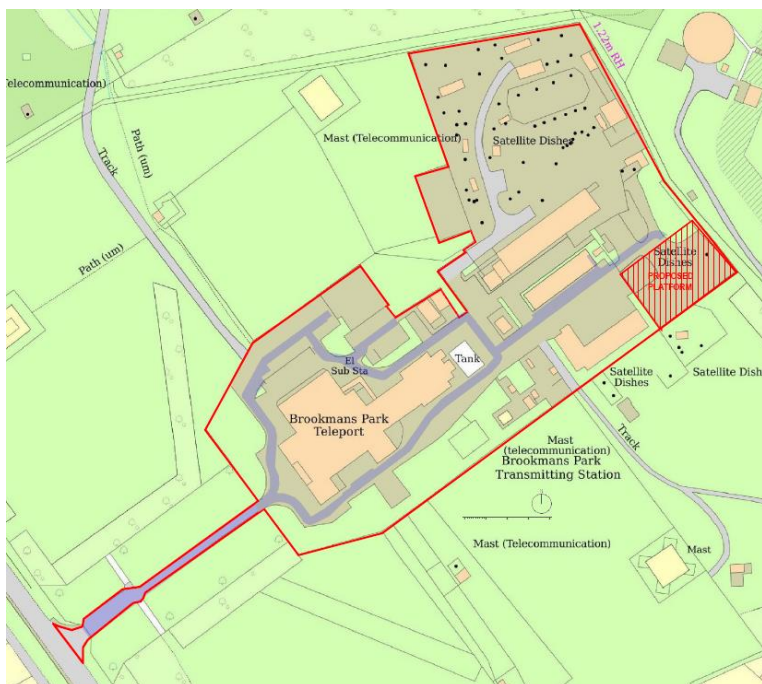


Plate 1: Site Location Plan. The redline covers the demise of the main Brookman's Park complex as a whole, with the area of the proposed works indicated by the red hatching.

1.2. Planning Permission is sought for the installation of a 'research and development platform' to facilitate the testing of new satellite technology. The equipment would be sited in the eastern corner of the Brookman's Park complex.

1.3. There are no designated heritage assets located within the bounds of the Site, nor is the Site located within a Conservation Area. In addition, there are no designated built heritage assets within the immediate environs of the Site.

1.4. Within their February 2023 Pre-Application response, Welwyn Hatfield Council identified by the main building at Brookman's Park as a non-designated heritage asset, and it will be discussed as such for the purpose of this application.

1.5. It is also recognised that the main building and the four 1920s telecommunications towers (located to the north and south of the Brookman's Park complex) are currently being considered by Historic England for inclusion on the National List. Any potential impacts arising from the proposals to all five structures would be via a change in 'setting' only. Accordingly, the overall conclusions regarding potential heritage impacts would be the same irrespective of a possible 'Listing' as the assessment methodology remains the same. The only implication would be a policy one, should harm be identified. This matter is discussed further within this report, where applicable.

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

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

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

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

Pre-Application Advice

1.9. Pre-Application advice was received from Welwyn Hatfield Borough Council in February 2023. The works considered under the Pre-Application enquiry comprised the installation of the 'research and development platform' and the re-occupation of existing offices and

workshops at the Brookman's Park complex, both within the main building and a separate modern structure.

1.10. The re-occupation of existing offices and workshops no longer forms part of the application as it has been ascertained that this does not require Planning Permission due to the existing class use.

1.11. Irrespective, any works associated with re-occupation of existing offices and workshops would be limited to decoration and alterations to modern internal partition walls. As the main building is not currently designated, there are no heritage related planning controls associated with internal changes, and accordingly such works will not be considered as part of this assessment. The modern workshop building is of no heritage interest.

1.12. Should the main building be subject to designation, the internal changes may require Listed Building Consent, and thus may be subject to control by the Local Authority via this mechanism. This would however be dependent on the extent of Listing and/or identification of interest with the List Entry³, and the extent of works proposed. Accordingly, this is a matter that could be suitably considered as part a future application, if required. For context, however, it is noted that the area of proposed occupation within the main building comprises a suite of modern office facilities located in a much-altered part of the building, which has already been subject to subdivision (both vertically and horizontally).

¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, July 2021), para. 194.

² DLUHC, *NPPF*, para. 194.

³ In particular when taking into account the lack of interest associated with the interior of the building as a result of the level of change which has already occurred.

- 1.13. With regard to the consideration of the built historic environment, the February 2023 Pre-Application response set out the following:

"The Planning Statement indicates the possible future listing of Brookmans Park Transmitting Station. Any future listing of the building would mean any proposals on the site would be subject to Policy SADM 15 of the emerging Local Plan. However, as the building is currently not listed, this policy is not a material consideration at the time of writing. Nevertheless, Historic England will be consulted on any future planning application. I suggest that you consider submitting a Heritage Statement which fully assesses the significance of the non-designated heritage assets, the contribution made by their setting and the impact of the proposal."

- 1.14. This Built Heritage Statement responds to the request for a Heritage Statement, and also provides further information as to the consideration of the installation of the 'research and development platform' should the main building, or the four transmission towers, be added to the National List.

2. Proposed Development

- 2.1. The application seeks Planning Permission for the installation of a 'research and development platform' to allow the testing of new satellite technology. The platform will be located in the eastern part of the Brookman's Park complex, on an area which has previously been occupied by transmission equipment.
- 2.2. The 'research and development platform' would comprise a two level, gantry style platform, upon which a series of satellite and antennae units will be mounted.
- 2.3. The upper level of the platform will be 5.5m high (lower level 2.5-3m high), with the tallest satellite and antennae unit being 3.5m in height. Accordingly, the combined maximum height of the platform and equipment would be 9m.
- 2.4. The proposals are detailed on the following plans which form the application package and which this assessment considers:
 - A-PL-002-00 Rev A – Proposed East Elevation
 - A-PL-003-00 Rev A – Proposed North Elevation
 - A-PL-004-00 Rev A – Proposed West Elevation
 - A-PL-005-00 Rev A – Proposed South Elevation
 - A-PL-006-00 Rev A – Proposed Plan View
 - A-PL-007-00 Rev A – Isometric View 01
 - A-PL-008-00 Rev A – Isometric View 02
- 2.5. **Section 7** of this Report presents an analysis of the impact of the proposed development on identified built heritage assets discussed in **Section 6**.

3. Site Description and Planning History

Site Description

- 3.1. The Brookman's Park complex was established in 1928/1929 as part of the development of the BBC 'Regional Scheme'. The complex comprises the main transmission building and its surrounds, alongside later detached workshop and office buildings, ancillary yards and areas occupied by transmission equipment.
- 3.2. Both the main building and the wider complex have been subject to numerous phases of alteration and extension in the mid-late 20th century, and into the early 21st century. Such successive changes have, however, been associated with the ongoing transmission role of the complex, and its diversification into partial commercial use. Accordingly, despite change, the character has remain consistent.
- 3.3. The area of proposed development comprises an area of hardstanding and scrubland in the northeast corner of the wider Brookman's Park complex. As set out further below, this area was not part of the original 'enclosed' Brookman's Park complex, however, following its inclusion in the late 20th century it has been occupied by transmission equipment and small structures.
- 3.4. To the north and west of the area of proposed development, are wider elements of the Brookman's Park complex including a range of modern workshop and offices buildings of no heritage interest, and ancillary compounds. To the south and east are outlying fields associated with the operation of the complex and utilised for the siting of transmission equipment.

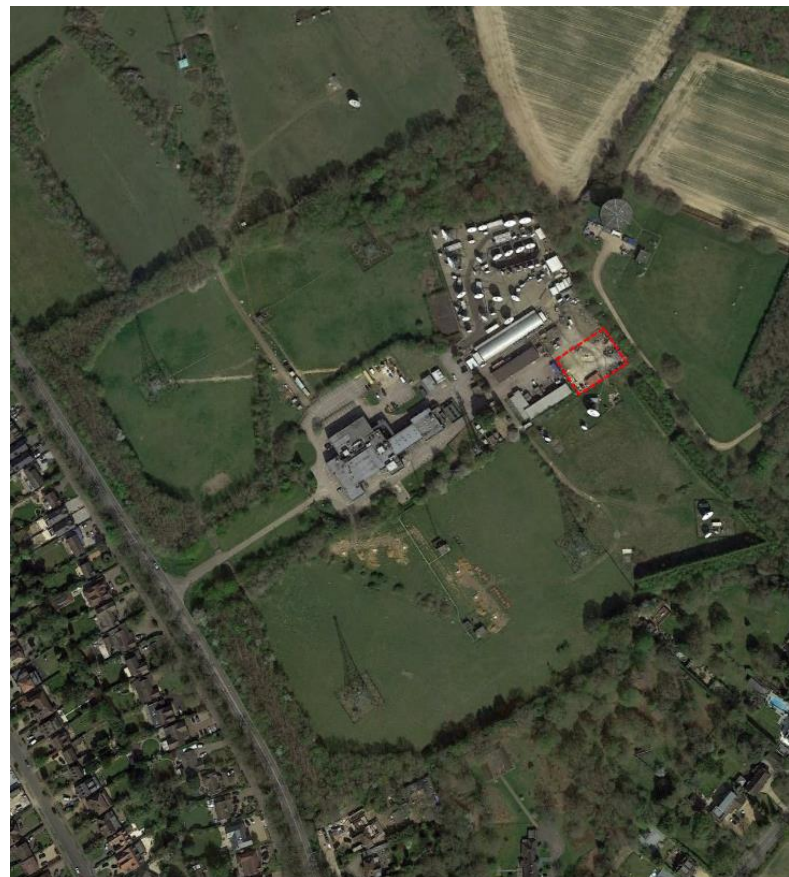


Plate 2: Aerial photograph of the Brookman's Park complex with the location of the proposed works indicated by the dashed red line.



Plate 3: View across west the proposed area of development.



Plate 5: View across southeast the area of proposed development.



Plate 4: View east across the proposed area of development.



Plate 6: Example of transmission equipment to the north of the area of proposed development.



Plate 7: Example of modern workshop and office buildings adjacent to the area of proposed development.

Site Development / Map Regression

- 3.5. As originally constructed, the built form of the Brookman's Park complex comprised the main building and associated ancillary features (i.e., water holding / cooling facilities to the east) and the four towers to the south and north. These towers are located outside of the 'Site' which is the subject of this application, and are structural supports only as opposed to active transmission equipment.
- 3.6. The original 'enclosed' complex associated with the main building was much smaller than the current complex, as demonstrated by a review of historic aerial photographs (Plates 8 and 10). The 'enclosed' complex included the ancillary buildings and yard areas, with this surrounded

by open field within which the towers were located to the north and south. The area of proposed works was not located within the bounds of the original 'enclosed' complex and formed part of the wider open field.

- 3.7. The main Brookman's Park building was subject to expansion in 1941 via the additional of a two storey extension to the northern side. The purpose of the extension was to increase transmission capability. The area of proposed development remained outside of the immediate complex associated with the transmission building.



Plate 8: Brookman's Park, Sept. 1929 with the approximate location of the proposed development site indicated in red (Source: Britain from Above Ref. EPWO28957).



Plate 9: Brookman's Park, Sept. 1929 with the approximate location of the proposed development site indicated in red (Source: Britain from Above Ref. EPWO28956).



Plate 10: Brookman's Park, July 1947. The area of proposed development is out of shot; however, it is clearly not within the enclosed area (Source: Britain from Above Ref. EPWO28958).

- 3.8. The main building and the wider complex was subject to further change during the mid-late 20th century. The location of the proposed development is understood to have been brought into the complex by at least the 1990s, with the planning history for the wider complex suggesting a 1970s date of expansion as likely.
- 3.9. Aerial photographs dating from 2000 onwards⁴ demonstrate that various transmission equipment and ancillary structures have been located in the area of proposed development during the early 21st century, with the Planning History demonstrating that equipment had been sited here since at least the early 1990s.



Plate 11: 2000 aerial photograph of the area of proposed development and its immediate surrounds demonstrating the presence of transmission equipment within the area (Source: Google Earth).

⁴ Accessed via Google Earth.

Planning History

- 3.10. Information available on the Welwyn and Hatfield Planning website demonstrates that there is an extensive planning history for the Brookman's Park complex, including the area of proposed development. 'Documents' associated with the majority of applications are not currently available online, and accordingly it has not been possible to cross reference site location and block plans associated with historic applications against that which is the subject of this application at this time.
- 3.11. The Welwyn and Hatfield Planning application explorer map⁵, however, indicates that the redline of a number of applications dating from the 1980s onwards comprised, or extended, into the area of the proposed development. Such applications, as detailed further below, were principally associated with the installation of the transmission equipment and satellite dishes. The approval of these applications correlates with evidence provided by the aerial photographs included at Plate 12. There may be further applications associated with the area, including predating the 1980s.
- 3.12. Key to the consideration of this application is that the Planning History, combined with other sources, demonstrates that long standing acceptability of the use of the area of proposed development for the siting of transmissions equipment associated with the wider use of the Brookman's Park complex.

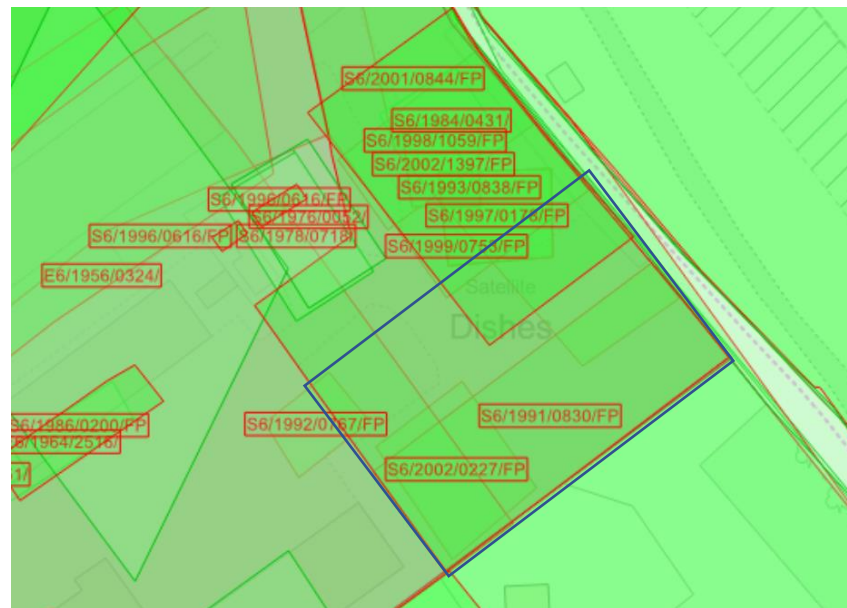


Plate 12: Screenshot from the Welwyn and Hatfield Planning explorer map, the approximate location of the area of proposed development indicated by the blue box.

- 3.13. The applications recorded on the explorer map as comprising or extending into the area of proposed development, include:
- S6/2002/1397/FP – Installation of a 3.8 Metre Satellite Dish in Eastern Compound – Granted February 2003.
 - S6/1984/0431/ – Building to provide enclosure for emergency mast fittings – Approved August 1984.

⁵ <https://gis.welhat.gov.uk/CommunityMaps/> <Accessed 17th March 2023>

- S6/2002/O227/FP – Installation of 9.3m Satellite Antenna – Approved September 2002.
- S6/1999/O753/FP – Installation of 4 satellite dishes – Approved October 1999.
- S6/1998/1059/FP – Installation of 2 x 4.6 metre diameter satellite dishes and erection of 2.5 metre high chainlink fence adjacent to eastern boundary – Approved February 1999.
- S6/1997/O178/FP – Erection of 9 No. satellite antenna, and 4 No. equipment cabins – Approved August 1997.
- S6/1993/O838/FP – Erection of 7.2m satellite dish and equipment store – Approved February 1994.
- S6/1992/O767/FP – Erection of two 11m diameter satellite receiving dish aerials with equipment housing (revision to planning permission S6/O830/91), erection of 2.4m dish, provision of generator and power supply unit – Approved January 1993.
- S6/1991/O830/FP – Erection of two 11m diameter satellite receiving dish aerials and equipment housings – Approved December 1991.

4. Methodology

4.1. The aims of this Report are to assess the significance of the heritage resource within the Site, to assess any contribution that the Site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

4.2. This assessment considers Built Heritage matters only.

Sources

4.3. The following key sources have been consulted as part of this assessment:

- The Hertfordshire Historic Environment Record (HER), accessed via Heritage Gateway, for information on the recorded heritage resource of the Brookman's Park complex and its environs;
- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;
- Archival sources for the Brookman's Park complex held by the owners of the complex, Arqiva; and
- Google Earth satellite imagery.

Site Visit

4.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 21st February 2023, during which the site and its surrounds were assessed.

Photographs

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

Assessment Methodology

4.6. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 1**. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 - Managing Significance in Decision-*

Taking in the Historic Environment (hereafter *GPA:2*);⁶

- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter *GPA:3*);⁷
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);⁸ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁹

⁶ Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2nd edition, Swindon, July 2015).

⁷ Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).

⁸ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).

⁹ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

5. Policy Framework

Legislation

- 5.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.¹⁰ However it is noted that at the time of writing, the application site does not contain, or is in the close vicinity of any Listed Buildings, and is not within the boundary of a Conservation Area.
- 5.2. As detailed in **Section 1**, the main building and four transmission towers at Brookman's Park are currently being considered by Historic England for inclusion on the National List. If the building was to be added to the National List as Listed Buildings, then Section 66(1) of the Act would become a consideration. This matter, and how the conclusions of this assessment should be considered within this context, is discussed further in **Section 7**.
- 5.3. In addition to the statutory obligations set out within the aforementioned Act (which do not currently apply at the time of writing), Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent,

are determined in accordance with the Development Plan unless material considerations indicate otherwise.¹¹

- 5.4. Full details of the relevant legislation are provided in **Appendix 2**.

National Planning Policy Guidance

- 5.5. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*, an updated version of which was published in July 2021. The *NPPF* is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.¹² The *PPG* also contains the *National Design Guide*.¹³
- 5.6. Full details of the relevant national policy guidance is provided within **Appendix 3**.

The Development Plan

- 5.7. Applications for Planning Permission are currently considered against the 'saved policies' of the Welwyn Hatfield District Plan, adopted in 2005. There are no

¹⁰ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

¹¹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹² Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹³ Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

'saved policies' pertinent to the heritage considerations of this application.

- 5.8. The Local Authority are currently in the process of drafting a new Local Plan, with the February 2023 Pre-Application response identifying that this is at an 'advanced stage'. It is thus considered that some weight should be given to the policies set out within the emerging plan as per Paragraph 48 of the NPPF.
- 5.9. Policy SADM 15 of the emerging plan pertains to the consideration of '*designated heritage assets and the wider historic environment*', and thus is of relevance to this application.
- 5.10. The wording of Policy SADM 15 is set out in **Appendix 4**.

6. The Historic Environment

6.1. The following Section provides an assessment of elements of the built historic environment that have the potential to be impacted upon by the proposed development.

Built Heritage Within the Site

6.2. As set out in **Section 1**, there are no designated heritage assets located within the bounds of the Site, nor is the Site located within a Conservation Area.

6.3. Within their February 2023 Pre-Application response, Welwyn Hatfield Council identified the main building at Brookman's Park as a non-designated heritage asset, and it will be discussed as such for the purpose of this application.

The Main Building

6.4. The 'Regional Scheme' was devised by the BBC in the early 1920s, with this comprising the establishment of a network of regional transmission sites across the Country. The scheme initially comprised five new stations, which would operate alongside an existing experimental transmission site at Daventry, but this was soon expanded to 13.

6.5. Brookman's Park, serving London and the South-East, was the first of the new stations to be constructed, with the location chosen due to its proximity to London and topographical position.

6.6. The design of the 'main building' at Brookman's Park became a partial template¹⁴ for a number of the Regional Scheme sites that were established in the 1930s.

6.7. Archival sources, including a 1930 article for the Journal of the Institution of Electrical Engineers regarding Brookman's Park written by Chief Engineer for the BBC, P.P. Eckersley¹⁵, all indicate that much of what made the main building at Brookman's Park special enough to warrant being used as a partial 'template' was the manner in which the building functioned and its plan form. This is evident by further Regional Scheme stations utilising the same plan form and use of spaces, but not slavishly replicating the external appearance of Brookman's Park.

6.8. It is also important to recognise that as a transmission station, the building at Brookman's Park was primarily an engineering project, and meeting the functional requirements was the principal area of focus of the design interest, not aesthetic merit.

¹⁴ The BBC bought the copyright for the Brookman's Park site in order to utilise the plan at subsequent sites.

¹⁵ Eckersley, P.P. & Ashbridge, N, "A Wireless Broadcasting Transmission Station for Dual Programme Service" in Journal of the Institute of Electrical Engineers, Vol, 68, No.

405, September 1930 - This source provides a key understanding of the function of the building, its original layout and interior appearance.

- 6.9. Nevertheless, Eckersley engaged the architect L.R. Guthrie of Wimperis, Simpson and Guthrie to add some architectural quality and interest to the external envelope of the building, with this in part likely to be driven by the desire to display the growing importance of radio transmission and the role of the BBC.
- 6.10. Despite his appointment, secondary sources would indicate that Eckersley, the person who sought to add an element of design to these heavily functional buildings and the key designer from an engineering aspect, was not entirely 'sold' on the resulting design.
- 6.11. It is also noted that despite the role of Brookman's Park, and the outward display of the role and branding on other corporation buildings of this date – i.e., BBC Broadcasting House, 1934 – there is no tangible reference to broadcasting or the BBC within the architectural detailing of the building. Conversely, at the Washford Transmission Station (Grade II Listed), the BBC coat of arms and motto "*Nation shall speak peace unto nation*" is incorporated into the design of the principal elevation.
- 6.12. The first regional programme broadcast was made on 21st October 1929. From March 1930, both National and Regional programmes were being transmitted simultaneously.
- 6.13. In its original form, the building comprised of five parts – the office range; the control room; the transmission hall; the workshops; and the powerhouse. A copy of the original floor plan is included at Plate 14.



Plate 13: Brookman's Park as seen from the northwest c. 1920s / 1930s (Source: Arqiva).

- 6.14. At the date of design and construction, the layout of the building, the use and hierarchy of spaces, and the manner to which the external envelope was exploited to enhance the internal environment (i.e., the full height spaces and windows in the transmission hall and control room), all formed part of the conscious design intent of the building. As discussed further below, these aspects have all been subject to alteration.
- 6.15. The facilities at Brookman's Park were expanded in 1941, with an extension added to the northern side of the building in order to accommodate a more powerful transmitter to broadcast services into occupied Europe. The external detail of the 1940s extension has sought to respond to the design of the original building, although this too has been subject to change via alterations to the

design and replacement of window units. There are no known plans for the interior of the extension dating to its date of construction; however, the current layout is not considered to represent a relic of the original based upon onsite analysis and logical layouts required for the function of the space. The interior has also been subject to modernisation during the late 20th century and no 1940s fixtures or finishes have been identified.

- 6.16. The main building has been subject to various changes, both internally and externally, during the late 20th and early 21st century including, but not limited to:
- The erosion of the original symmetrical layout of the footprint – this original design intent has been altered by the extension of the building, irrespective of this being of a 1940s date. The elements of the external envelope which are now enclosed by the extension are not readily understood and the original external detailing is not identifiable. It is likely that much has been removed.
 - Further erosion of original form has occurred via the upwards extension of 'workshops'.
 - Successive changes to the window openings, including: the replacement of all original window units, the infilling of a number of openings and the conversion of door openings to windows (and vice versa). The changes have resulted in:
 - A notable change to the external detailing and character of the exterior of the building, in particular when compared to historic photographs of the main building. In particular, the new window units, and

the manner to which they have had to respond to horizontal subdivision, has eroded the finesse of the original design.

- A significant change as to how the original window pattern and units to the original transmission hall and control room were designed (in conjunction with the internal layout) to utilise as much daylight as possible from the large, full height window openings, inc. lighting a space from 'both sides'. This is evidenced via historic photographs of the building.
- The removal of full height, sliding glazed doors which were once present to the exterior – designed to provide the required level of access for machinery to the transmission hall, machine room and engine room, whilst blending with the wider aesthetic and design to utilise as much daylight as possible – have all been lost.
- The erosion of the historic internal layout (including via horizontal and vertical subdivision), and the designed use and hierarchy of the internal spaces. This has impacted upon the understanding of the relationship between spaces in association with the allocated function, as well as how the spaces physically connect. Within this context, the original plan form and designed function of the building formed a key part of the design intent of the original building.

- The loss of the majority of the original internal finishes, as referenced within the 1930 article, with the exception being the quarry tiles in the powerhouse – although it is notable that these are of no architectural interest.
- The removal of original fixtures and fittings, including those reference within the 1930 article.
- An overall change to the character and 'sense' of the interior of the building. Internally, it does not read as a 1920s building, but rather as late 20th or early 20th century office or commercial building.

6.17. In addition, the wider Brookman's Park complex has been subject to change during the mid-late 20th century and early 21st century. Such changes include the expansion of the associated complex (see **Section 3**), the construction of detached workshop and offices buildings, along with the installation of new transmission equipment. Although resulting in a change, all of these aspects are clearly read as part of ongoing transmission use of the complex and the evolution required as part of this.

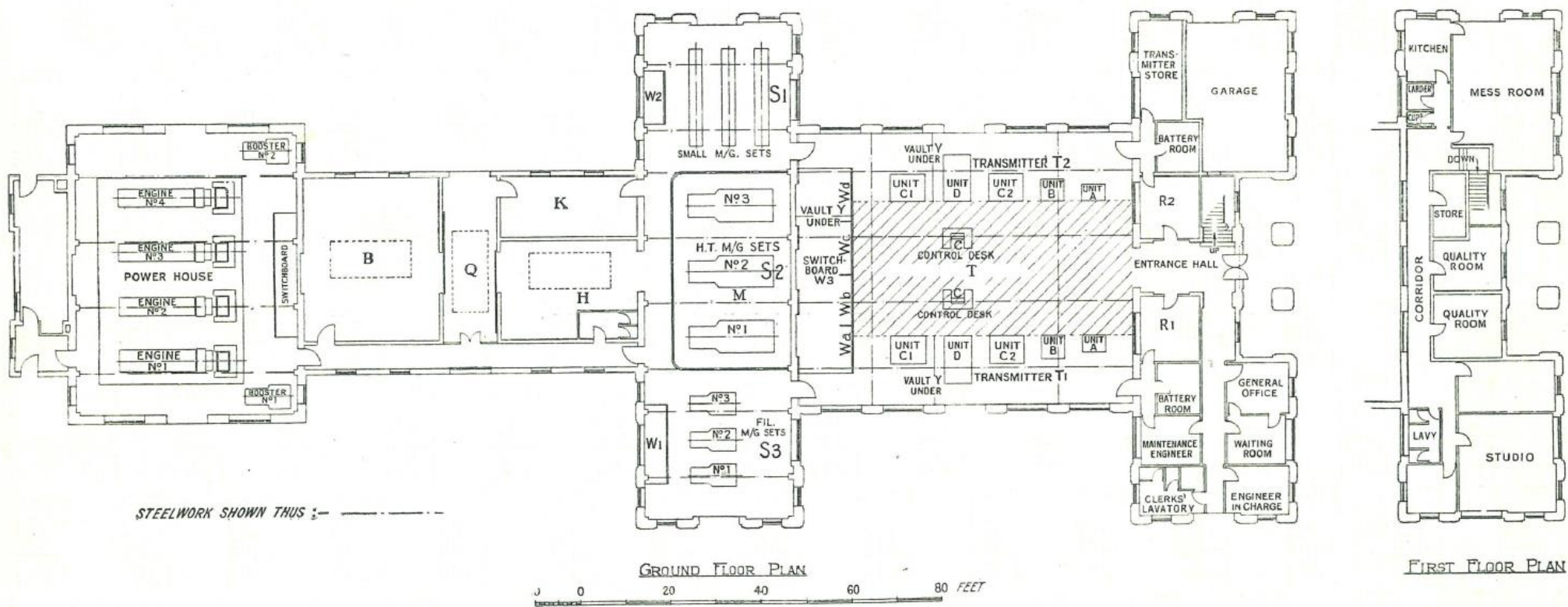


Plate 14: Original layout of the main buildings and Brookman's Park (Source: Eckelsey, P.P. & Ashbridge, N, "A Wireless Broadcasting Transmission Station for Dual Programme Service" in Journal of the Institute of Electrical Engineers, Vol, 68, No. 405, September 1930.)

Statement of Significance

- 6.18. The main building is considered to be of some architectural and historic interest as a purpose-built transmission building associated with the role of the BBC Regional Scheme in the 1920s and 1930s, and the history of both the BBC and radio transmission.
- 6.19. The architectural interest has, however, been compromised by the changes to the exterior and interior of the building as detailed above. Such changes have impacted upon the integrity of the original design of the building, the survival of historic fabric and the overall architectural interest. Specifically, the changes have eroded the original design intent of the building and in particular aspects such as the layout, use and hierarchy of spaces which are those which are considered to be most innovative and successful, as originally constructed. Thus, the changes have eroded the aspects which led to it being utilised as a partial 'template'.
- 6.20. The changes set out above have reduced the level of historic associative interest that can be attributed to Eckersley and the connection with the BBC, and the role which the building may have played as a 'template' within the design of future Regional Scheme sites.
- 6.21. The above factors also reduce the level of overall historic interest that can be attributed to the building, and the role that it played with regard to the history of the BBC and radio transmission.

- 6.22. The 'setting' of the asset contributes to its heritage significance, although the level of significance derived from its 'setting' is than that from its physical fabric. The principal element of the physical surrounds and experience of the asset (its "setting") which are considered to contribute to its interest comprises the position of the main building within the historic extent of the enclosed Brookman's Park complex and the experience and appreciation of it from this location, in particular on the approach from the main drive.
- 6.23. Overall, it is considered that the area of proposed development forms a 'neutral' part of the 'setting' of the main building, neither contributing to or detracting from the understanding, experience or appreciation of the asset. Specifically, the area forms part of the modern extent of the Brookman's Park complex, characterised by later buildings and transmission equipment.

The Wider Built Historic Environment

- 6.24. With regards to other heritage assets within the surrounds of the Site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.¹⁶
- 6.25. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting

¹⁶ Historic England, *GPA:3*, p. 4.

which contributes to its significance, such as interrupting a key relationship or a designed view.

- 6.26. It is however widely accepted (paragraph 207 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.¹⁷ In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.
- 6.27. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 6.28. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the site as part of their setting, whether the site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result.
- 6.29. The nearest designated heritage asset to the Brookman's Park complex is the Grade II Listed No. 56 Bell Lane, located c.490m west of the Brookman's Park complex, and c.750m west of the area of proposed development.
- 6.30. Assessment has concluded that the Brookman's Park does not form part of 'setting' of this asset, or others within the wider environs, that positively contributes to their overall heritage significance due the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a

change that would impact upon the overall heritage significance of this asset, or other within the wider environs, and they are not taken forward for further assessment.

- 6.31. The four 1920s telecommunications towers to the north and south of the Brookman's Park complex were not identified within the February 2023 Pre-Application response as non-designated heritage assets. It is, however, recognised that the four towers are being considered by Historic England alongside the main building for potential inclusion of the National List. Accordingly, for completeness, the four telecommunications towers will also be discussed.

Transmission Towers at Brookman's Park

- 6.32. When considering the towers at Brookman's Park, it is important to recognise that these are supporting structures only – they do not form part of the 'transmission equipment' per se, with this being the 'T'-antenna which they support.
- 6.33. 'T'-antennas, and in turn the requirement for supporting structures to be set in pairs, was not developed for, or at, Brookman's Park. The arrangement had been established much earlier in the 20th century, in particular on ships where the wiring for the antenna could easily be strung between two masts. 'T'-antenna were also being utilised as the Daventry Transmission Station (operational from 1927) prior to the establishment of Brookman's Park.

¹⁷ DLUHC, *NPPF*, para. 207.

- 6.34. The construction and use of lattice towers also predates Brookman’s Park, with examples recorded from the 19th century onwards.¹⁸ There are also earlier examples in the United Kingdom,¹⁹ Europe²⁰ and the United States²¹ of lattice towers being utilised to support transmission equipment.
- 6.35. Accordingly, the use of lattice towers at Brookman’s Park, either as individual structures or to support transmission equipment, is not early or innovative.
- 6.36. The height and form of the towers at Brookman’s Park has never led to them being considered as ground-breaking nor hold any particular ‘records’ for land-based steel structures. Indeed, the height of the ‘T’-antenna, and thus the towers, at Brookman’s Park was driven by restrictions imposed by the Air Ministry as opposed to any specific technological innovation or reasoning.²²
- 6.37. The remainder of the Regional Schemes sites utilised ‘stayed masts’ due to the lack of height restrictions and the better performance of such structures at height. The use of towers was thus an expedient response to the site constraints at Brookman’s Park, and did not form part of the ‘template’ taken forward as part of the roll out of the Regional Scheme.
- 6.38. In summary, it is clear that the towers at Brookman’s Park are of no innovative or ‘specialist engineering interest’.

This limits any architectural interest which could be attributed to the towers. It is, however, recognised that they may potentially be of some historic interest with regard to the establishment of Brookman’s Park as a whole.

- 6.39. The ‘setting’ of the towers also contributes to any historic interest that they may be deemed to hold, although the significance derived from their ‘setting’ is less than that derived from their physical fabric. The principal elements of the physical surrounds and experience of the towers (their “*setting*”) which are considered to have the potential to contribute to their interest comprise:
- The physical relationship between the corresponding two towers and their functioning role as a pair.
 - The physical relationship between the two pairs and the main building as part of their functional role.
 - The experience and appreciation of the structural form of the towers via incidental views from the wider environs.
- 6.40. Overall, it is considered that the area of proposed development forms a ‘neutral’ part of the ‘setting’ of the towers, neither contributing to or detracting from the understanding, experience or appreciation of them.

¹⁸ Including the Eiffel Tower, Paris constructed in 1889, although a number of examples of lattice towers dating to the 1850s have been identified, in particular in the United States.

¹⁹ Including the Marconi transmission sites at Poldhu, Cornwall (1901) and Carnarvon (1920).

²⁰ Including the Marconi transmission site at Bern, Switzerland (1922).

²¹ Including the transmission towers at NAA Radio Facility, Virginia (1913) and the San Francisco Power Plant No. 1 (1917).

²² Eckerlsey, P.P. & Ashbridge, N, “A *Wireless Broadcasting Transmission Station for Dual Programme Service*” in *Journal of the Institute of Electrical Engineers*, Vol, 68, No. 405, September 1930

7. Assessment of Impacts

- 7.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for proposed 'research and development platform', in line with the proposals set out within **Section 2** of this Report.
- 7.2. As set out in **Section 6**, there are no designated heritage assets located within the bounds of the Site, nor is the Site located within a Conservation Area. The main building at Brookman's Park has, however, been identified by Welwyn Hatfield Council as a non-designated heritage asset. It is under this classification that the buildings is discussed within this report.
- 7.3. The main building and the four 1920s telecommunications towers are currently being considered by Historic England for inclusion on the National List. Welwyn Hatfield Council did not identify the transmission towers as non-designated heritage assets within their Pre-Application response; however it is recognised that the towers may be considered to represent non-designated heritage asset as a result of their historic interest.
- 7.4. It is well established, that potential impacts to non-designated heritage assets, should be considered within the context of Paragraph 203 of the *NPPF*.²³ There is no basis in policy for describing harm to them as substantial or less than substantial, rather the *NPPF* requires that the

scale of any harm or loss is articulated whilst having regard to the significance of the asset.

- 7.5. High Court Judgements have confirmed that when considering potential impacts on non-designated heritage assets within the decision-making process, the balanced judgement required is different from the public benefits exercise associated with designated heritage assets (as set out in Paragraphs 201 and 202 of the *NPPF*).²⁴
- 7.6. Within a High Court Judgment of 2017, Jarman HHJ confirmed that the only requirement of the *NPPF* in respect of non-designated heritage assets is "that the effect of an application on the significance should be taken into account".²⁵
- 7.7. This was further expressed in the Bohm decision, which stated that:

[34] "Unsurprisingly, given that an NDHA [non-designated heritage asset] does not itself have statutory protection, the test in para 135 [Paragraph 203 of the 2021 NPPF] is different from that in paras 132-4 [Paragraphs 200-202 of the 2021 NPPF], which concern designated heritage assets. Paragraph 135 [Paragraph 203 of the 2021 NPPF] calls for weighing "applications" that affect an NDHA, in other words the consideration under that paragraph must be of the

²³ DLUHC, *NPPF*, para.203.

²⁴ DLUHC, *NPPF*, paras. 201 and 202.

²⁵ Travis Perkins (Properties) Limited v Westminster City Council [2017] EWHC 2738 (Admin), Paragraph 44.

application as a whole, not merely the demolition but also the construction of the new building. It then requires a balanced judgement to be made by the decision maker. The NPPF does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter.²⁶

- 7.8. The proposals will result in the introduction of modern transmission equipment, and ancillary development, into a discrete part of the wider, modern extent of the Brookman's Park complex. The character of the proposals would be entirely in-keeping with the existing and previous uses of the area of the proposed changed, and the complex as a whole.
- 7.9. The proposals would be set away from the main building by c.90m, with intervening areas comprising a mix of hardstanding, modern 'compounds' and modern workshop buildings. The proposals would be read as clearly separate from the building and as part of the ongoing transmission use of the wider complex.
- 7.10. Based upon onsite assessment, it is not considered that the proposals would be visible from the main building. Should views occur, they would be oblique glimpsed views, with much of the equipment screened by intervening built form and vegetation. The ability to view the proposals in this manner would not alter overall understanding, experience or appreciation of the main building.

- 7.11. Co-visibility of the proposals and the main building from isolated areas to the east may occur; however, views would not be interrupted (with screening provided by existing built form and vegetation), and wider aspects of the modern development of the complex would be visible. Accordingly, should co-visibility occur, it is again not considered to alter the overall understanding, experience or appreciation of the main building.
- 7.12. There would be no intervisibility or co-visibility between the proposals and pair of towers to the north of the complex.
- 7.13. Intervisibility and co-visibility may occur with regard to the eastern most tower of the southern pair. Should this change occur, the proposals would again be viewed as a discrete change associated with the modern transmission use of the complex. The resulting change would not alter the overall understanding, experience or application of the towers, either in terms of their interrelationship with each other, or the main building.
- 7.14. Overall, it is concluded the proposed development would not result in a change that would impact upon the heritage significance of the main building or transmission towers at Brookman's Park, via a change in setting.
- 7.15. The proposals are thus in accordance with Policy SADM 15 of the emerging Local Plan, and in particular bullet point 3 which states that *"Proposals should respect the character, appearance and setting of the asset and*

²⁶ Bohm [2017] EWHC 3217 (Admin).

historic environment in terms of design, scale, materials and impact on key views."

Implications of Potential Designation

- 7.16. Should either the main building or transmission towers at Brookman's Park be subject to 'Listing', any changes within their 'setting' would require consideration under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 – see further in **Appendix 2**.
- 7.17. The designation of the structures would not, however, alter the methodology for the consideration of how their 'setting' may contribute to their overall heritage significance, nor how any changes within their 'setting' would alter such significance.
- 7.18. Accordingly, the assessment and conclusions set out above would remain valid, and no harm would continue to arise to the heritage significance of the structures, via a change in setting.
- 7.19. There would thus be no conflict with Section 66(1) of the Act, and the proposals would continue to be in accordance with Policy SADM 15 of the emerging Local Plan.

8. Conclusions

- 8.1. There are no designated heritage assets located within the bounds of the Site, nor is the Site located within a Conservation Area.
- 8.2. The main building at Brookman's Park, and the four 1920s transmission towers to the north and south of the Brookman's Park complex, are currently being considered by Historic England for inclusion on the National List.
- 8.3. Welwyn Hatfield Council have identified the main building as a non-designated heritage asset, and there is the potential that the same be considered with regard to the transmission towers as a result of their historic interest.
- 8.4. There are no designated heritage assets within the environs of the Brookman's Park complex which have been identified as sensitive to the development proposals.
- 8.5. The area of proposed development comprises part of the modern extent of the Brookman's Park complex, and has previously housed modern transmission equipment.
- 8.6. Assessment has determined that the area of proposed development forms a 'neutral' part of the 'setting' of the main building and transmission towers, neither contributing to or detracting from the understanding, experience or appreciation of these structures, and thus any heritage significance that they may hold.
- 8.7. It is thus concluded that the proposed development would not result in a change that would impact upon the heritage significance of the main building or transmission towers at Brookman's Park, via a change in 'setting'.
- 8.8. The proposals are thus in accordance with Policy SADM 15 of the emerging Local Plan, and in particular bullet point 3 which states that *"Proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views."*
- 8.9. Should either the main building or transmission towers be subject to Listing, any changes within their 'setting' would require consideration under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.10. The designation of the structures would not, however, alter the methodology for the consideration of how their 'setting' may contribute to their overall heritage significance, nor how any changes within their 'setting' would alter such significance.
- 8.11. Accordingly, the assessment and conclusions set out above would remain valid, and no harm would continue to arise to the heritage significance of the structures, via a change in 'setting'.
- 8.12. There would thus be no conflict with Section 66(1) of the Act, and the proposals would continue to be in accordance with Policy SADM 15 of the emerging Local Plan.

Appendix 1: Assessment Methodology

Assessment of significance

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

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²⁷

Historic England's *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²⁸

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in *English Heritage’s Conservation Principles*.²⁹ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.³⁰

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

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

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

- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.³¹

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

²⁷ DLUHC, *NPPF*, pp. 71–72.

²⁸ Historic England, *GPA:2*.

²⁹ Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

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

³⁰ DLUHC, *NPPF*, p. 71; DLUHC, *PPG, Annex 2*.

³¹ DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.³²

Setting and significance

As defined in the *NPPF*:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”³³

Setting is defined as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”³⁴

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

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.³⁵

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

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

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between

³² Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

³³ DLUHC, *NPPF*, p. 72.

³⁴ DLUHC, *NPPF*, p. 71.

³⁵ Historic England, *GPA:3*, pp. 8, 11.

the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”³⁶

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance

of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

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

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the *NPPF*;³⁷
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³⁸ and
- **Non-designated heritage assets.** Non-designated heritage assets are defined within the *PPG* as “buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do

³⁶ Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

³⁷ DLUHC, *NPPF*, para. 200 and fn. 68.

³⁸ DLUHC, *NPPF*, para. 200.

not meet the criteria for designated heritage assets".³⁹

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

Assessment of harm

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

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

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *"have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"*;⁴⁰ and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."⁴¹

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

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

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *"preserving"* means doing *"no harm"*.⁴²

Preservation does not mean no change, it specifically means no harm. GPA:2 states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.⁴³ Thus, change is accepted in Historic England's guidance as part of the evolution of

³⁹ DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

⁴⁰ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

⁴¹ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁴² R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

⁴³ Historic England, GPA:2, p. 9.

the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above.

Fundamental to this methodology is a consideration of “*what matters and why*”.⁴⁴ Of particular relevance is the checklist given on page 13 of *GPA:3*.⁴⁵

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴⁶

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

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

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.⁴⁷

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴⁸

⁴⁴ Historic England, *GPA:3*, p. 8.

⁴⁵ Historic England, *GPA:3*, p. 13.

⁴⁶ Historic England, *GPA:3*, p. 4.

⁴⁷ Historic England, *GPA 3*, p. 8.

⁴⁸ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

Benefits

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

As detailed further in **Appendix 3**, the *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁹

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.⁵⁰

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

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed

⁴⁹ DLUHC, *NPPF*, paras. 201 and 202.

⁵⁰ Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); DLUHC, *NPPF*, paras. 201 and 203.



private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***⁵¹

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

⁵¹ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.⁵² It does not provide statutory protection for non-designated or Locally Listed heritage assets.

The main Brookman's Park building, and the four transmission towers, are currently being considered by Historic England for inclusion on the National List. If the structures were to be 'Listed', then Section 66(1) of the Act would become a consideration. Section 66(1) of the Act states that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”⁵³

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

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed

buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”⁵⁴

A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see **Appendix 3**), this is in keeping with the requirements of the 1990 Act.⁵⁵

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

⁵² UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁵³ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁵⁴ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵⁵ Jones v Mordue [2015] EWCA Civ 1243.

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

Appendix 3: National Policy Guidance

The National Planning Policy Framework (July 2021)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in July 2021. This replaced and updated the previous *NPPF* 2019. The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

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

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

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

"Plans and decisions should apply a presumption in favour of sustainable development.

...

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or***
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
 - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***

- ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**⁵⁷

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

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”⁵⁸ (our emphasis)

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

Heritage Assets are defined in the NPPF as:

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

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

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

As set out above, significance is also defined as:

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

⁵⁷ DLUHC, NPPF, para. 11.

⁵⁸ DLUHC, NPPF, para. 11, fn. 7.

⁵⁹ DLUHC, NPPF, p. 67.

⁶⁰ DLUHC, NPPF, p. 66.

⁶¹ DLUHC, NPPF, pp. 71–72.

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

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

Paragraph 197 goes on to state that:

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

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***

- c. the desirability of new development making a positive contribution to local character and distinctiveness.”⁶³***

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

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”⁶⁴

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;***
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and***

⁶² DLUHC, NPPF, para. 195.

⁶³ DLUHC, NPPF, para. 197.

⁶⁴ DLUHC, NPPF, para. 199.

gardens, and World Heritage Sites, should be wholly exceptional.”⁶⁵

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

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

Paragraph 202 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”⁶⁷

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

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”⁶⁸

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

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement

⁶⁵ DLUHC, NPPF, para. 200.

⁶⁶ DLUHC, NPPF, para. 201.

⁶⁷ DLUHC, NPPF, para. 202.

⁶⁸ DLUHC, NPPF, para. 203.

which confirmed that a number of previous planning practice guidance documents were cancelled.

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

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

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."⁶⁹

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

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of

harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."⁷⁰ (our emphasis)

National Design Guide:

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

"When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape."⁷¹

"Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of

⁶⁹ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁷⁰ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁷¹ DLUHC, NDG, para. 46.

activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.⁷²

It goes on to state that:

"Well-designed places and buildings are influenced positively by:

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

Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century.⁷³

⁷² DLUHC, NDG, para. 47.

⁷³ DLUHC, NDG, paras. 48–49.

Appendix 4: Relevant Development Plan Policies

Applications for Planning Permission are currently considered against the 'saved policies' of the Welwyn Hatfield District Plan, adopted in 2005. There are no 'saved policies' pertinent to the heritage considerations of this application.

The Council are currently in process of drafting a new Local Plan, with the February 2023 Pre-Application responses identifying that this is at an 'advanced stage'. It is thus considered that some weight should be given to the policies set out within the emerging plan as per Paragraph 48 of the NPPF.

Policy SADM 15 of the emerging plan pertains to the consideration of 'designated heritage assets and the wider historic environment', and thus is of relevance to this application. The policy reads as follows:

"Proposals which affect designated heritage assets and the wider historic environment should consider the following:

- ***The potential to sustain and enhance the heritage asset and historic environment in a manner appropriate to its function and significance. Successive small scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.***
- ***Proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views.***

- ***Architectural or historic features which are important to the character and appearance of the asset (including internal features) should be retained unaltered.***
- ***The historic form and structural integrity of the asset are retained; and***
- ***Appropriate recording of the fabric or features that are to be lost or compromised takes place and is deposited into the Historic Environment Record.***

A Heritage Statement, Heritage Impact Assessment and/or Archaeological Assessment will be required if the scale and nature of the proposal are likely to have an impact on the significance of all or part of the asset.

Permission for proposals that result in substantial harm to the significance of a designated heritage asset, including Conservation Areas, will be exceptional or wholly exceptional in accordance with national policy and guidance.

Proposals that result in less than substantial harm to the significance of a designated heritage asset will also be refused unless the need for, and benefits of, the development in that location significantly outweigh that harm and the desirability of preserving the asset, and all feasible solutions to avoid and mitigate that harm have been fully implemented.



Proposals that result in harm to the significance of other heritage assets will be resisted unless the need for, and benefits of, the development in that location clearly outweigh that harm, taking account of the asset's significance and importance, and all feasible solutions to avoid and mitigate that harm have been fully implemented."

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

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