

Proof of Evidence:  
Heritage

# Land at Oakley Farm, Cheltenham APP/B1605/W/21/3273053



Friends of Oakley Farm  
Pasture Slopes



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Cover photograph: Hewletts Reservoir Pavillion, north westerly outlook into the proposed development site. Malvern Hills AONB in the distance.

## **1 Declaration**

1.1 This document has been produced by the Friends of Oakley Farm Pasture Slopes. We have no professional training or qualifications in the topic under study; however, we have carried out detailed and extensive research when compiling this evidence.

1.2 All content is provided in good faith.

## **2 Opening**

2.1 This appeal has been lodged on the grounds of non-determination for: "Development comprising up to 250 residential dwellings, associated infrastructure, ancillary facilities, open space and landscaping. Demolition of existing buildings. Creation of new vehicular access from Harp Hill".

2.2 This document contains Proof of Evidence (PoE) focussing on the designated Heritage Assets of Hewletts Reservoir and the non-designated assets of the development site's fields.

2.3 In heritage terms, the overarching context in which this proposal is considered is the Planning (Listed Buildings and Conservation Areas) Act 1990 s.66(1).

### **3 Cultural Heritage Glossary**

- 3.1 *Significance (for heritage policy) is 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.*<sup>1</sup>
- 3.2 *Heritage Asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).*<sup>2</sup>
- 3.3 *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 skill, like sculpture.*<sup>3</sup>

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<sup>1,2</sup> National Planning Policy Framework, Annex 2: Glossary

<sup>3</sup> Planning practice guidance - Historic environment: Paragraph 006, Reference ID: 18a-006-20190723

3.4 *Historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.*<sup>4</sup>

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<sup>4</sup> Planning practice guidance - Historic environment: Paragraph 006, Reference ID: 18a-006-20190723

#### **4 Hewletts Reservoir Heritage Assets**

- 4.1 In terms of heritage the proposal sits alongside the historically significant Grade II listed buildings and structures of Hewletts Reservoir.
- 4.2 The reservoir consists of Grade II listed No 1 & No 2 reservoirs, entrance gates and piers, boundary wall and pavilion. Also, within the curtilage, although not designated, are No 3 reservoir and the reservoir lodge.
- 4.3 This historic complex is significant in the development of Cheltenham from the early 1800's and both it and its setting warrant protection. The historic significance of Hewletts Reservoir is clear to see. It sits in a dominant and by necessity an elevated position above the town. It can be seen from many locations creating a visual connection and historic relationship with the town. It is an important reminder of Britain's and Cheltenham's historic civil engineering heritage and played a huge role in the town's development. Heritage assets with historic interest such as these provide a material record of our nation's history. To appreciate these significant historic, architectural and engineering structures it is essential that they maintain their openness and commanding dominance from where they derive their significance. The assets' setting makes a substantial contribution to their significance, and the currently undeveloped pastoral and open natural setting of the Oakley Farm fields enables that significance to be appreciated from both near and far. An open setting such as this is a major public benefit in furthering the understanding of Cheltenham's past. This applies particularly to the pavilion, a prominent feature of the landscape, which is most vulnerable to alterations to its setting. It is important to note that: "The

*contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.”*<sup>5</sup> The Pavilion sits aloft the reservoirs and boundary wall (see Fig 1), displaying its majestic character much like a folly within a country house estate. This pretence is further bolstered by the splendid and grand entrance gates and boundary wall. The Pavilion’s lofty position on the escarpment facilitates its connection with the surrounding landscapes.

- 4.4 In part the appellant deals with the pavilion and its setting by describing it as follows: *“The wider setting is made up of the surrounding open landscape. The building, whilst small, is raised up and therefore visible from a number of locations in the landscape. It marks the importance of the reservoir. From the asset there are views available of both the surrounding hillside and the town of Cheltenham... The Site itself forms a part of the open landscape and creates a buffer between the reservoir and the edge of built development. It also provides a degree of rurality to the asset due to the open nature of the fields which form the Site and this makes the asset stand out as it is isolated within a largely rural landscpae [sic]. It therefore contributes positively to the understanding and significance of the asset”*<sup>6</sup> (our underscore). We agree with the appellant on this assessment and also when dealing with the proposed development when they say: *“...the more exposed and raised nature of the pavilion means there will be slightly more impact on its overall significance. The isolation of the pavilion will be impacted and therefore so too will the statement it makes”*<sup>7</sup>. But, we

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<sup>5</sup> Planning practice guidance - Historic environment: Paragraph 013, Reference ID: 18a-013-20190723

<sup>6</sup> Applicant’s Built Heritage Statement para. 3.19 (Appendix B)

<sup>7</sup> Applicant’s Built Heritage Statement para. 4.4 (Appendix B)

cannot agree with “*However, the significance of the asset principally derives from its connection to the rest of the Reservoir Complex, rather than its rural location*”<sup>8</sup> and contend that it equally derives its significance from its dominant and raised position in a rural and open setting, in clear view of the land of its original water source and visually to the town that it serves (see Figs. 1 & 2 and para.3.1 above). In fact, the appellant appears to agree with this point of view, as we have underscored above.

4.5 The pavilion’s significance and interpretation will be substantially harmed not only by the proposed built form but also by the intended tree screening mitigation promoted. In all, the proposal will significantly and materially change the character and some key features of the asset. If development is allowed where proposed and as highlighted in Figs. 2 & 3, then the setting of the pavilion will no longer be fully afforded its footnote 6 description and will lose its rurality, open setting and perceived isolation, thus removing its significance. By introducing more built form into the setting of the pavilion and the boundary wall, key elements of their baseline condition will be altered such that their character will be materially changed.

4.6 A further consideration during the construction phase must be given to the fragility of the reservoir assets and their susceptibility to damage through ground works within the site. It is noted that some landform remodelling is proposed and no doubt this will require the incorporation of land stabilisation measures, probably including driven piling operations. The effects of vibration on the assets does not appear to have been given specific consideration.

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<sup>8</sup> Applicant’s Built Heritage Statement para. 4.4 (Appendix B)



4.7 Turning to the appellant's Environmental Statement (ES) and their assessment of the Significance of Effects on the Hewletts Reservoir heritage asset as "Minor Adverse" both before and after mitigation<sup>9</sup>: we do not agree with this assessment. We believe that the Magnitude of Effect/Change on heritage resources for the reasons given above at para 4.3 - 4.5, particularly to the pavilion and the reservoir wall, should be assessed as medium using the appellant's criteria for appraisal,<sup>10</sup> and not low as proposed. Therefore, when assessed with the undisputed sensitivity value of the receptor (High)<sup>11</sup>, and using table 8.3 from the ES<sup>12</sup>, the significance of effect of the development on the asset would be **Major Adverse**, and the nature of effect would be permanent, both before and after mitigation. It is our view that the appellant has given insufficient weight to the significance of the asset's setting when reaching their assessment.

4.8 It is agreed<sup>13</sup> that a Significance of Effect outcome of Major or Moderate Adverse are considered to equate to significant impacts in the context of EIA Regulations.

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<sup>9</sup> Applicant's Environment Statement Table 8.5. (Appendix B)

<sup>10</sup> Applicant's Environment Statement Table 8.1. (Appendix B)

<sup>11</sup> Appellant's Environmental Statement Table 8.2. (Appendix B)

<sup>12</sup> Appellant's Environmental Statement Table 8.3. (Appendix B)

<sup>13</sup> Appellant's Environmental Statement para 8.2.7 (Appendix B)

4.9 The appellant has assessed for all the reservoir's heritage assets a Minor Adverse grading for Significance of Effect. Yet, if the methodology advocated by the appellant were to be applied correctly, even when using their assessed Magnitude of Effect of Low and a Sensitivity of Receptor as High, the resultant Significance of Effect would be Moderate to Minor from their table<sup>14</sup>, and not simply Minor as claimed. Further, within the ES at 2.6.7 the appellant explains that where discipline-specific criteria differ from the generic criteria at ES table 2.4, this would be explained in the relevant section's Assessment Approach; yet there is no such explanation within the ES's Cultural Heritage chapter as to why just two outcomes differ from the generic table (updated from "Moderate" to "Moderate to Minor"), or why those differences exist at all.

4.10 Whilst we agree with the appellant that the harm caused to the pavilion will be less than substantial, we argue that within the spectrum of this discipline it would lean towards major harm, and not minor harm as claimed.

4.11 Similar conclusions to those which we have detailed here in relation to Hewletts Pavilion could be drawn when considering other assets of the Hewletts Reservoir complex.

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<sup>14</sup> Appellant's Environmental Statement Table 8.3. (Appendix B)

4.12 To protect the significance of heritage assets, to foster an awareness and understanding of historic buildings and structures, and to help people connect with their heritage, the setting of Hewletts reservoir assets should be afforded substantial protection and not harmed by further close quarter development. We agree that the proposed development will result in a less than substantial degree of harm to the significance of the complex as a whole. However, we disagree with the appellant and would grade the harm within this category, for the reasons given above, as major/moderate and not minor as claimed. The proposal fails to satisfy NPPF para. 200.

## **5 Non-designated Heritage Assets**

- 5.1 The site is the location of extensive and historic ridge and furrow cultivation, as recognised by the appellant<sup>15</sup>, and as recorded in the Gloucestershire Historic Environment Record (HER)<sup>16</sup>. As can be seen in the HER and in the Google Earth image of the site<sup>17</sup>, the earthwork and cropmarkings are significant in the north west corner and across the southern section of the site.
- 5.2 The appellant has failed, against the requirements of NPPF para. 203, to fully recognise the independent role of the site's non designated heritage asset classification. Little attention has been given by the appellant to the significance of the ridge and furrow evident on the site and hence to the harm or loss that would be brought upon it by the development. While it should be remembered that the proposed layout of the development site is illustrative only, the design would result in this heritage asset being permanently lost in the areas selected for development and replaced by built form, vehicular access, hard landscaping and open space / structural landscaping.

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<sup>15</sup> Appellant's Archaeological Desk Based Assessment (Appendix A)

<sup>16</sup> Gloucestershire Historic Environment Record, Oakley Farm area (Appendix A)

<sup>17</sup> Google Earth image of Oakley Farm (Appendix A)

## **6 Conclusion**

- 6.1 In its current form the proposal will create less than substantial harm to designated heritage assets and substantial harm to non-designated heritage assets. It fails to make a positive contribution to the local character and neither conserves nor enhances the significance of the reservoir heritage assets or their setting within an Area of Outstanding Natural Beauty. It is therefore contrary to JCS policy SD7 & SD8, and CE6 of the Cotswolds AONB Management Plan.
- 6.2 The proposal will also cause harm to the significance of heritage assets and severely damage the ability to appreciate those assets' significance without providing clear or convincing justification, which is contrary to NPPF para. 200. Additionally, NPPF para. 199 requires that great weight should be given in the planning balance to the asset's conservation.

6.3 Uninterrupted wide and long-range views from the reservoir's pavilion to Cheltenham town, creates a visual linkage and demonstrates the functional relationship between the two. This connection makes a significant contribution to the understanding and historical significance of the reservoir's role to the development of Cheltenham in the 19<sup>th</sup> century. Further evidence of this historic connection is provided by number 1 reservoir's long-standing association with Cheltenham's main brewery, supplying it with the preferred Northfield spring water used in the brewing process. When brewing ceased in the 1990's No1 reservoir's use also ended.<sup>18</sup> However, the visual connection between the reservoir complex and the brewery area remains. Figs. 1&2.

6.4 The overarching objectives of attaining sustainable development include an environmental objective of achieving a net gain.<sup>19</sup> Proposals should, since the 2021 NPPF revision, inter alia, protect and enhance our natural and historic environment.<sup>20</sup> The appellant's proposal also fails in this regard.

6.5 We have shown that the development will create a Major Significance of Effect on the reservoir's pavilion and boundary wall before and after mitigation, resulting in a Significant Impact in the context of EIA regulations.

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<sup>18</sup> Troubled Waters. David A O'Connor. ISBN 0-9519451-2-2. (Appendix B)

<sup>19</sup> NPPF para. 8

<sup>20</sup> NPPF para. 8c

6.6 The appellant has failed to give sufficient regard to the statutory requirement<sup>21</sup> that “considerable importance and weight” should be given to the desirability of preserving (doing no harm to)<sup>22</sup> the setting of listed buildings, and they have also failed to apply this test when considering NPPF para. 202.

6.7 Case law<sup>23</sup> shows that NPPF para. 202 together with NPPF para. 200 falls within the reach of NPPF para. 11 d) i. We have explained that the proposal in its current form will cause harm to the significance of the heritage assets, such that it is not outweighed by the public benefits. This is a clear reason for dismissing the appeal.

6.8 For all of the above reasons we believe that the appeal should be dismissed.

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<sup>21</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 s. 66(1)

<sup>22</sup> Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors [2014] EWCA Civ 137 (18 February 2014) [16] [29] (Appendix C)

<sup>23</sup> R. (on the application of Monkhill Ltd) v Secretary of State for Housing, Communities and Local Government & Anor [2021] EWCA Civ 74 [45] (Appendix C)



Fig 1. View to the west from the reservoir complex showing the pavilion, boundary wall and the site's south-easterly field. The heritage asset's westerly setting is in the foreground with Cheltenham Town in the middle distance.<sup>24</sup>

<sup>24</sup> Photography from private land. Refer to PPG Paragraph: Historic environment. 013 Reference ID: 18a-013-20190723





Fig 2. View from Northfield Farm fields, trees in full leaf. PROW ZCK 12.





Fig 3 View of Pavilion from the site's southeast corner. Harp Hill Road site entrance gate.