Archaeology and Built Heritage Statement

Land at High Street, Sutton Benger

Gladman Developments Ltd

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1. Introduction

1.1. Pegasus Group have been commissioned by Gladman Developments Ltd to prepare an Archaeology and Built Heritage Statement to consider the deliverability of residential development on land at High Street, Sutton Benger, as shown on the Site Location Plan provided at Plate 1.

1.2. The site is agricultural land on the eastern edge of Sutton Benger village (Plate 2). A public right of way runs through the northernmost part of the site. It is part of larger field parcel bounded by the High Street (B4069) to the south and built form to the west, which includes modern residential development. Residential development of land to the south has recently been allowed at appeal (see 'Planning History' section below for further discussion).

1.3. Previous archaeological works within the site have recorded no significant archaeological features or remains.

1.4. There are no built heritage assets within the site; however, the western boundary of the site is contiguous with the Sutton Benger Conservation Area and there are a row of Grade II Listed cottages immediately to the west, including 74 & 76 High Street which are adjacent to the south-west corner of the site.

1.5. This Statement provides information with regards to the significance of the 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]

1.6. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment and archaeological resource], following paragraphs 199 to 203 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

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

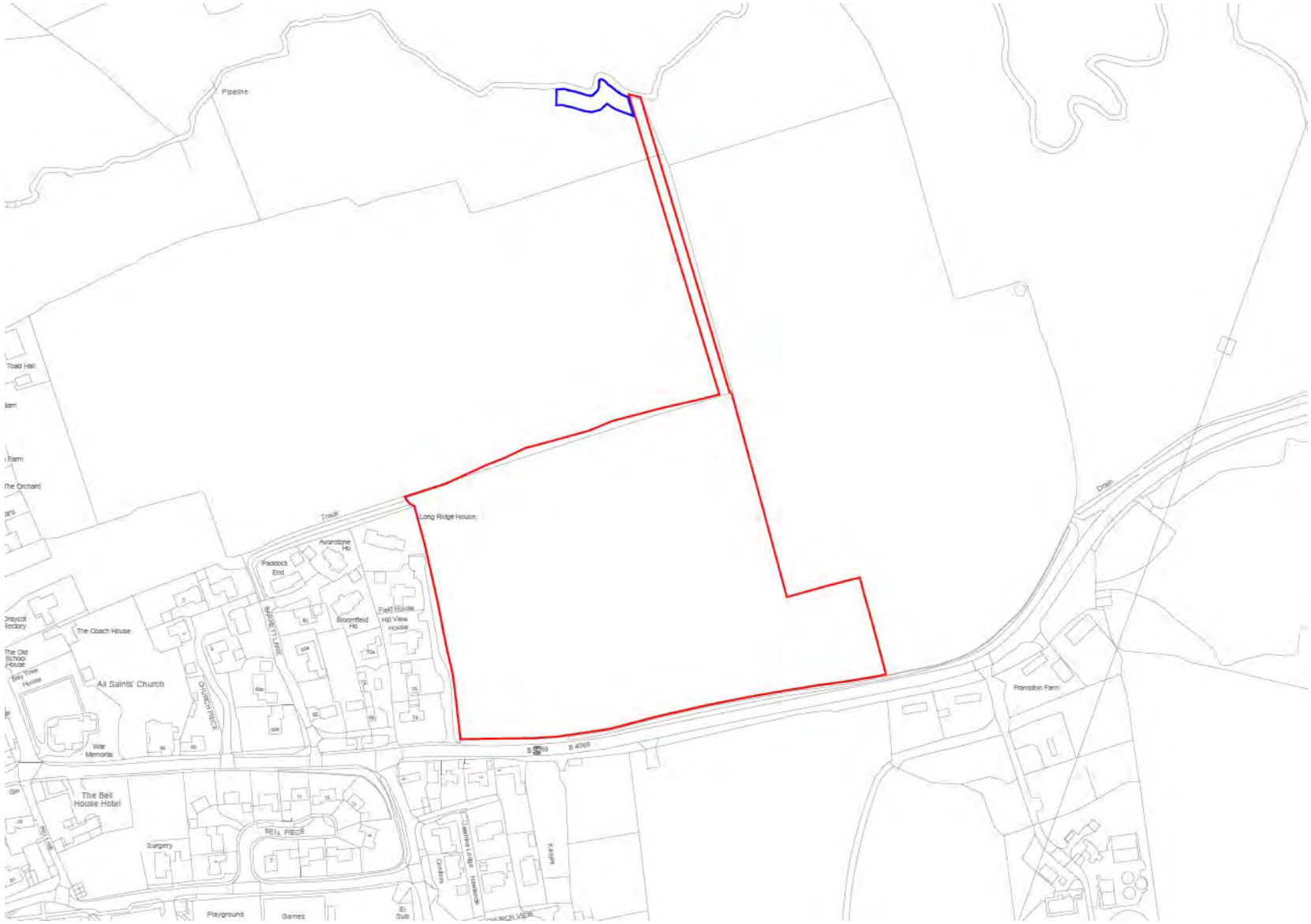

Plate 1: Site Location Plan.



Plate 2: Panoramic view looking south-east across the site from the public right of way at the north-west corner.

Proposed Development

1.7. The layout of the proposed residential development is illustrated on the Development Framework Plan (Plate 2). The proposals comprise:

"Outline planning application for the erection of up to 60 dwellings, including affordable housing with public open space, structural planting and landscaping, land for the provision of allotments and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access."

1.8. This has been designed following discussions with Heritage Consultants at Pegasus Group in order that the layout responds to potential heritage constraints. In particular, development has been set back from the road to sustain legibility of the historic settlement edge when entering the Conservation Area and to preserve viewsheds in relation to Grade II Listed 74 & 76 High Street.

1.9. The Development Framework Plan has informed the heritage assessment works that follow and, where appropriate, further commentary will be presented on how this has been designed to avoid or mitigate potential heritage harm.



Plate 3: Extract of the Development Framework Plan.

Planning History

1.10. A review of planning history records held online by Wiltshire Council has revealed no previous applications that relate to the site.

1.11. There are, however, two previous applications in the immediate vicinity that are pertinent to the current proposals, as follows.

20/03875/OUT

1.12. Application 20/03875/OUT sought Outline Planning Permission for the residential development of land south of the High Street (immediately opposite the current application site) to provide up to 178 dwellings and associated infrastructure.

1.13. Compared to the current proposals, the quantum of development was much greater and there was proposed to be less of a set-back of built form from the highway.

1.14. Although the application was refused by Wiltshire Council on 15th September 2021, none of the reasons for refusal related to heritage.

1.15. During the determination of the application, a geophysical survey and trial trench evaluation of the site were undertaken. No archaeological finds were recorded and, as a result, an initial objection by County Archaeologists was withdrawn.

1.16. A consultation response from the Senior Conservation Officer for Wiltshire Council raised no objection to the proposal, with it being concluded that, "*the site is screened from the Conservation Area via the presence of existing development*", and, "*The proposal would appear to have no direct impact on the setting of any listed building in the locality*". These conclusions were elaborated upon in the Case Officer's Report.



Plate 4: Extract of Indicative Site Layout for 20/03875/OUT.

20/03876/OUT

1.17. Application 20/03876/OUT sought Outline Planning Permission for the residential development of the westernmost portion of the site covered by application 20/03875/OUT, to provide up to 24 dwellings and associated infrastructure.

1.18. Compared to the current proposals, the quantum of development was smaller although, once again, there was proposed to be less of a set-back of built form from the main road.

1.19. Like 20/03875/OUT, this application was refused by Wiltshire Council (15th September 2021) but not on heritage grounds.

1.20. The decision was subsequently appealed. In an appeal decision dated 24th May 2022, the Inspector concluded that the appeal be allowed and planning permission granted.

1.21. Although heritage was not a main issue, the Inspector made the following remarks in relation to the adjacent Conservation Area (paragraph 30):

"The development would be next to a small part of Sutton Benger Conservation Area (CA). However, it would be set away from the historic buildings and attractive street scenes towards the centre of the village and from which the CA gains its significance. Therefore, the proposal's effect on the setting of the CA results in no harm to its most important features. The significance, character and appearance of the CA overall would be preserved. Also, the development or any additional traffic would have no meaningful effect on the significance of any other heritage assets, including archaeological remains."



Plate 5: Extract of Indicative Site Layout for 20/03876/OUT.

2. Methodology

2.1. The aims of this Report are to assess the significance of the heritage resource within the site and wider study area, 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.

2.2. This assessment considers the archaeological resource and built heritage.

Sources

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

- The Wiltshire Historic Environment Record (HER) for information on the recorded heritage resource within the vicinity of the site;
- 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;
- Historic England's Aerial Archaeology Mapping Explorer;
- The Wiltshire Archives online catalogue;
- Other online resources, including Ordnance Survey Open Source data; geological data available from the British Geological Survey and Cranfield University's Soilscapes Viewer; Google Earth satellite imagery; and LiDAR data from the Environment Agency.

2.4. For digital datasets, information was sourced for a 1km study area measured from the boundaries of the site. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as ***Appendix 1*** and maps illustrating the resource and study area are included as ***Appendix 2***.

2.5. Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary. Detailed cropmark transcriptions were also provided within the HER digital datasets and were considered reliable and sufficient for the objectives of this desk-based assessment.

2.6. Heritage assets in the wider area were assessed as deemed appropriate (see ***Section 5***).

Site Visit

2.7. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 18th January 2023, during which the site and its surrounds were assessed.

Photographs

2.8. 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

2.9. Full details of the assessment methodology used in the preparation of this Report are provided within ***Appendix 3***. However, for clarity, this methodology has been informed by the following:

- ClfA's *Standard and Guidance for Historic Environment Desk-Based Assessment*;[2]
- *Historic Environment Good Practice Advice in Planning: 2 - Managing Significance in Decision-Taking in the Historic Environment (*hereafter *GPA:2)*;[3]
- *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*);[4]
- *Historic England Advice Note 1 (Second Edition) - Conservation Area Appraisal, Designation and Management* (hereafter *HEAN:1*).[5]
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);[6] and
- *Conservation Principles: Polices and Guidance for the Sustainable Management of the Historic Environment*.[7]

[2] Chartered Institute for Archaeologists (ClfA), *Standard and Guidance for Historic Environment Desk-Based Assessment* (revised edition, October 2020).
[3] 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).
[4] Historic England, *Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).
[5] Historic England, *Historic England Advice Note 1 - Conservation Area Appraisal, Designation and Management (HEAN:1)* (2nd edition, Swindon, February 2019).
[6] Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).
[7] English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

Consideration of Harm

2.10. It is important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the *NPPF*.[8] With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 203 of the *NPPF*.[9]

2.11. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.[10]

2.12. The guidance set out within the PPG also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development which is to be assessed.[11] In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm 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." [12]

[8] DLUHC, *NPPF*, paras. 201 and 202.
[9] DLUHC, *NPPF*, para. 203.
[10] DLUHC, *Planning Practice Guidance (PPG)*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).
[11] DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).
[12] EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

3. Policy Framework

Legislation

3.1. 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.[13]

3.2. In addition to the statutory obligations set out within the aforementioned Act, 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.[14]

3.3. Full details of the relevant legislation are provided in ***Appendix 4***.

National Planning Policy Guidance

3.4. 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.[15] The *PPG* also contains the *National Design Guide*.[16]

3.5. Full details of the relevant national policy guidance is provided within ***Appendix 4***.

[13] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
[14] UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

[15] 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.
[16] Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

The Development Plan

3.1. Applications for Planning Permission in Sutton Benger are currently considered against the policy and guidance set out within the Wiltshire Core Strategy, adopted in January 2015. The main heritage policy which is applicable to the application site is Core Policy 58.

3.2. Details of the policy specific relevant to the application proposals are provided within ***Appendix 4***.

3.3. Although the Core Strategy was adopted after the inception of the NPPF, policies relating to the historic environment do not make reference to the balancing of heritage harm against public benefits. Therefore, the Core Strategy is overly restrictive in the context of the NPPF.

3.4. A review of the Wiltshire Local Plan is currently underway; however, at the time of writing, a draft of the new Local Plan has not yet been published or submitted for examination. As such, this plan holds no weight.

4. The Historic Environment

4.1. This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains.

4.2. Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix 'EWI' and HER 'monument' numbers have the prefix 'MWI'.

4.3. A gazetteer of relevant heritage data is included as ***Appendix 1***. Designated heritage assets and HER records are illustrated on Figures presented in ***Appendix 2***.

Previous Archaeological Works

4.4. Archaeological works have previously been recorded within the site, comprising a partial geophysical survey of the site conducted in 2020 as part of the Chippenham Gateway Scheme (EWI9751) and subsequent archaeological mitigation associated with the digging of a new sewer route (EWI9971). The surveyed and evaluated area comprised a linear band extending between the north-west and south-east corners of the site. No archaeological features or remains were recorded within the site during these works.

4.5. In the vicinity of the site, the following archaeology works have been recorded:

- A geophysical survey on land to the east of Church View (EWI9631), covering an area *c.* 15 to 475m south of the site;
- An evaluation on land east of Church View (EWI9783), conducted across the same area as the preceding geophysical survey;
- An evaluation of land to the rear of 58 High Street, Sutton Benger (EWI5700), across an area *c.* 100m and 175m west of the site;
- An evaluation at the New Rectory, Sutton Benger (EWI6141), *c.* 200m to 265m west of the site;
- An archaeological watching brief at All Saints Church, Sutton Benger (EWI6898), *c.* 230m west of the site; and
- A geophysical survey at Arms Farm (EWI9108), *c.* 600m to 700m west-south-west of the site.

4.6. In addition to these survey and evaluation works, a number of desk-based assessments have been recorded in the locality.

4.7. The results of the works are discussed below, where relevant to the potential archaeological resource of the site.

4.8. During the preparation of this Statement, a geophysical survey of the site was undertaken by Archaeological Surveys. The results of the survey are set out in a separate report which accompanies this application (Archaeological Surveys, February 2023).

Topography and Geology

4.9. The site is a flat piece of land that measures 56m AOD along its western edge and gradually falls to 54m AOD at its south-east corner.

4.10. Historic Land Characterisation data identifies the site as part of an area of 're-organised fields', comprising modern fields that have been created by the alteration of piecemeal fields shown here on the earliest Ordnance Survey mapping. Some former fields remain legible through retained boundaries/morphology, but no ridge and furrow earthworks are visible.

4.11. The site lies on a bedrock of Kellaways Sand Member Sandstone, as sedimentary rock formed during the Jurassic period. Superficial geology is characterised by sand and gravel (River Terrace Deposits, 1), a sedimentary superficial deposit formed during the Quaternary period (from 2.588 million years ago until the present day).[17]

4.12. Soils across the site are characterised as being freely draining, lime-rich, and loamy, which is conducive to arable and pastoral uses.[18]

Archaeological Baseline

Prehistoric (pre-43 AD) to Romano-British (AD 43 - 410)

4.13. A linear cropmark has been recorded in the central eastern part of the site and forms part of a wider group of cropmarks, most of which are concentrated on land to the east of the site (MWI5041). These cropmarks have been interpreted as the remains of a possible Iron Age settlement due to the form of the cropmarks, which include circular features, and mixed Iron Age to Romano-British finds discovered during field walking. These finds include an Iron Age pottery fragment (MWI5001), Roman pottery sherds, and possible masonry (MWI5006). This area has not been formally evaluated.

4.14. Although previous geophysical survey and evaluation works have been confined to a select part of the site (EWI9751 & EWI9971), the lack of recorded Iron Age or Romano-British remains and the concentration of cropmarks to the east suggests that the site was peripheral to any locus of late prehistoric/early Romano-British settlement activity.

4.15. As part of the wider geophysical survey works conducted as part of the 2020 Chippenham Gateway Scheme (EWI9751), circular anomalies consistent with a pair of ring ditches were detected *c.* 190m north-west of the site (MWI77347). These were interpreted as a possible prehistoric barrows or round houses, but no significant

[17] British Geological Survey, *Geology of Britain Viewer*, https://www.bgs.ac.uk/map-viewers/geology-of-britain-viewer/.

[18] Cranfield University, *Soilscapes*, http://www.landis.org.uk/soilscapes/.

remains were recorded during the subsequent archaeological mitigation works (EWI9971).

4.16. In the wider study area, specifically in areas over 450m south and over 600m north-east of the site, various findspots of tools and remains of Palaeolithic, Mesolithic and Neolithic date have been plotted (MWI4993, MWI4994, MWI4996, MWI4997 & MWI4998). These remains have not been discovered in association with any other significant features and, due to their distance from the site, they are not indicative of any associated activity within the site.

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

4.17. No medieval findspots or features have been recorded within the site.

4.18. The nearest medieval findspot is plotted *c.* 45m east of the site and corresponds with sherds of medieval pottery discovered during field walking exercises conducted east of Church Farm in the 1970s (MWI5021). Consequently, the precise findspots of the sherds are unclear.

4.19. The site is peripheral to the settlement core of Sutton Benger, located to the west, which is thought to be of Anglo-Saxon origins (MWI5093 & MWI5114). A series of earthworks have previously been recorded and evaluated in an area *c.* 120m to 250m west of the site and were interpreted as remains of the medieval settlement, although these had been considerably disturbed and destroyed by modern quarrying (MWI5114). In some areas, modern residential development has since taken place.

4.20. The Church of All Saints, Sutton Benger (NHLE 1022403), located *c.* 215m west of the site, is thought to be of 12th-century origins and would have been a focal point of settlement activity during the medieval period.

4.21. Other recorded medieval findspots and features in the study area are associated with the settlement cores of Sutton Benger and Christian Malford (the latter located over 800m south-east of the site), or else they represent peripheral agricultural activity or chance losses that are distant from the site.

4.22. Together, these findings suggest that the site was located beyond the medieval settlement of Sutton Benger and formed part of its agricultural hinterland.

Post-medieval (1540 – 1750), Early Modern (1750 – 1901), Modern (1901 – present)

4.23. No post-medieval or modern findspots or features have been recorded within the site. Human activity in the vicinity of the site evidently continued to be focused within the nearby settlement of Sutton Benger.

4.24. A single findspot plotted *c.* 45m east of the site denotes post-medieval pottery sherds, clay pipes and glass discovered east of Church Farm during the 1970s fieldwalking exercises mentioned above (MWI5030).

4.25. A WWII Type 22 pillbox is recorded *c.* 175m east-north-east of the site; however, there is no evidence of associated military activity within the site.

4.26. In the wider study area, beyond the settlement centres, recorded features and remains predominantly

correspond with agricultural activity, typically in the form of historic farmsteads and agricultural buildings.

4.27. The historic boundary of Draycot Park is plotted over 675m west of the site at its nearest point (MWI5132).

Historic Map Regression and Aerial Photographs

4.28. Whilst there are earlier maps which record the settlement of Sutton Benger, Andrews and Dury's map of 1773 is the first cartographic to illustrate the site and its surrounds in sufficient detail (not reproduced due to copyright). This map records that the site was undeveloped land, presumably in agricultural use, to the east of the village.

4.29. The 1839 tithe map and apportionment for the parish of Sutton Benger (Plate 6) records the site as predominantly comprising arable land which was then owned by William Richard Arthur Pole-Tylney-Long-Wellesley Esquire and occupied by John Lanfear. The same men owned and occupied the fields further to the east, north and north-west. John Lanfear was recorded as the occupant of one homestead within Sutton Benger (plot 84) which corresponds with present-day Church Farmhouse. The northern edge of the site (which is currently occupied by the public right of way) was recorded as a 'Drove to Barratts' (parcel 175), the latter referring to the field names for parcels 176 and 177.

4.30. The earliest Ordnance Survey maps published between 1886 and 1923 (Plate 7 to Plate 9) illustrate that the field boundary intersecting the eastern side of the site had been removed, such that the parcels had been amalgamated into a larger field parcel (as they still are today). Otherwise, no changes are recorded and the site appears to have remained in agricultural use.

4.31. An aerial photograph taken in 1945 (Plate 10) illustrates no change within the site, though the eastern field boundary had potentially been reinstated. Some disturbance is visible on the land to the south, with recent archaeology evaluation confirming that this area has previously been used for gravel extraction and landfill (EWI9783).

4.32. The earliest available satellite imagery from 1999 (Plate 11) similarly indicates no change within the site. New residential development and infill is evident on the eastern edge of Sutton Benger, including to the south of the site. A sewage works had been built to the south-east.

4.33. Some linear cropmarks are visible within the site on aerial photography taken in May 2020 (Historic England ref. HEA/S3327; not reproduced due to copyright) and may correspond with a former field system (see further discussion below). A greater concentration of cropmarks, including rectilinear enclosures, are visible on the land to the east of the site, in the area of the possible Iron Age settlement.

4.34. A satellite image taken in 2021 (Plate 12) shows the excavation of the site to accommodate the new sewer in relation to the Chippenham Gateway Scheme.

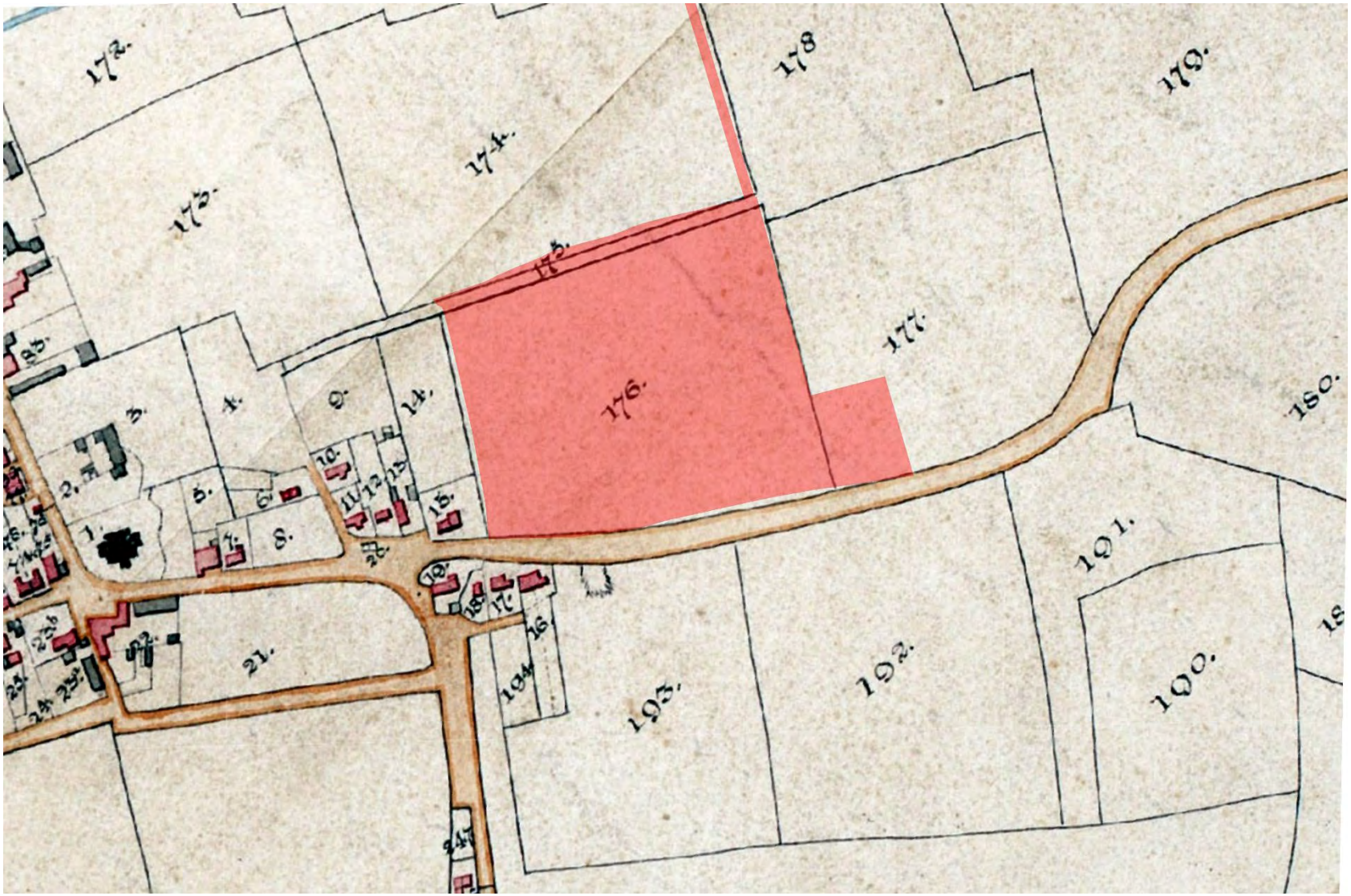

Plate 6: 1839 tithe map for the parish of Sutton Benger.

The site location is shaded red. Source: Know Your Place.

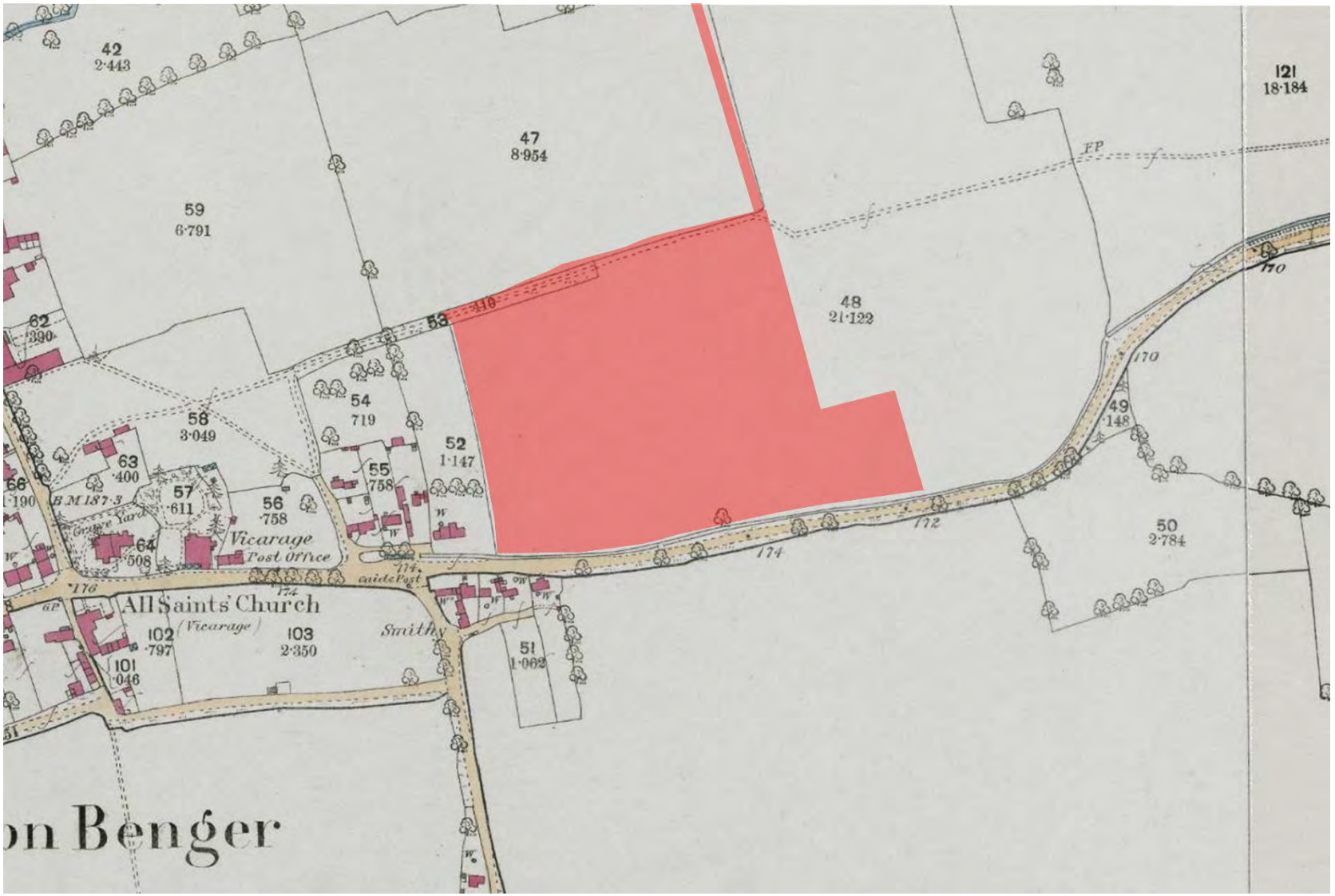

Plate 7: First Edition (1886) Ordnance Survey map.

The site location is shaded red. Source: Know Your Place.

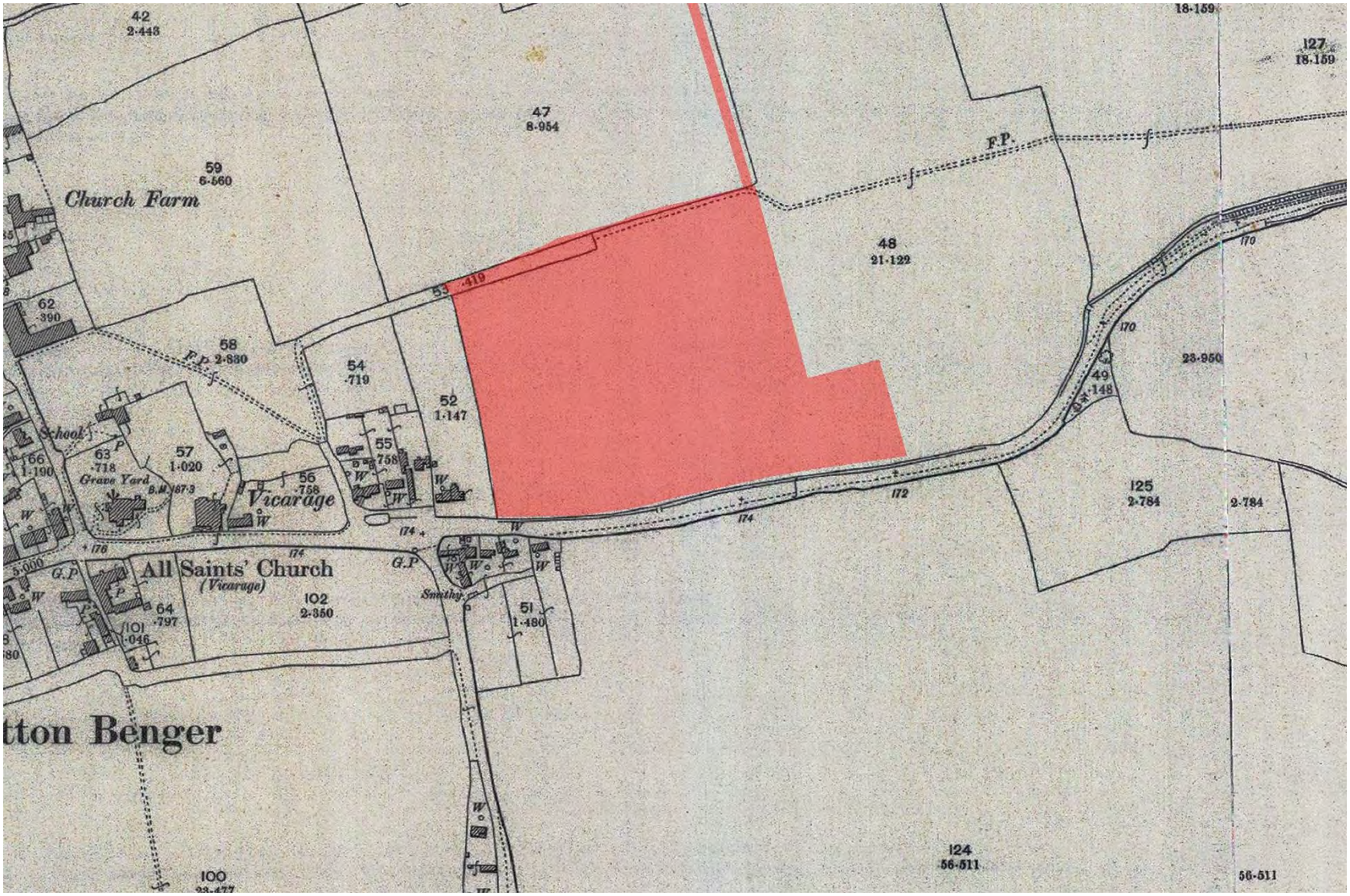

Plate 8: Second Edition (1900) Ordnance Survey map.

The site location is shaded red. Source: Know Your Place.

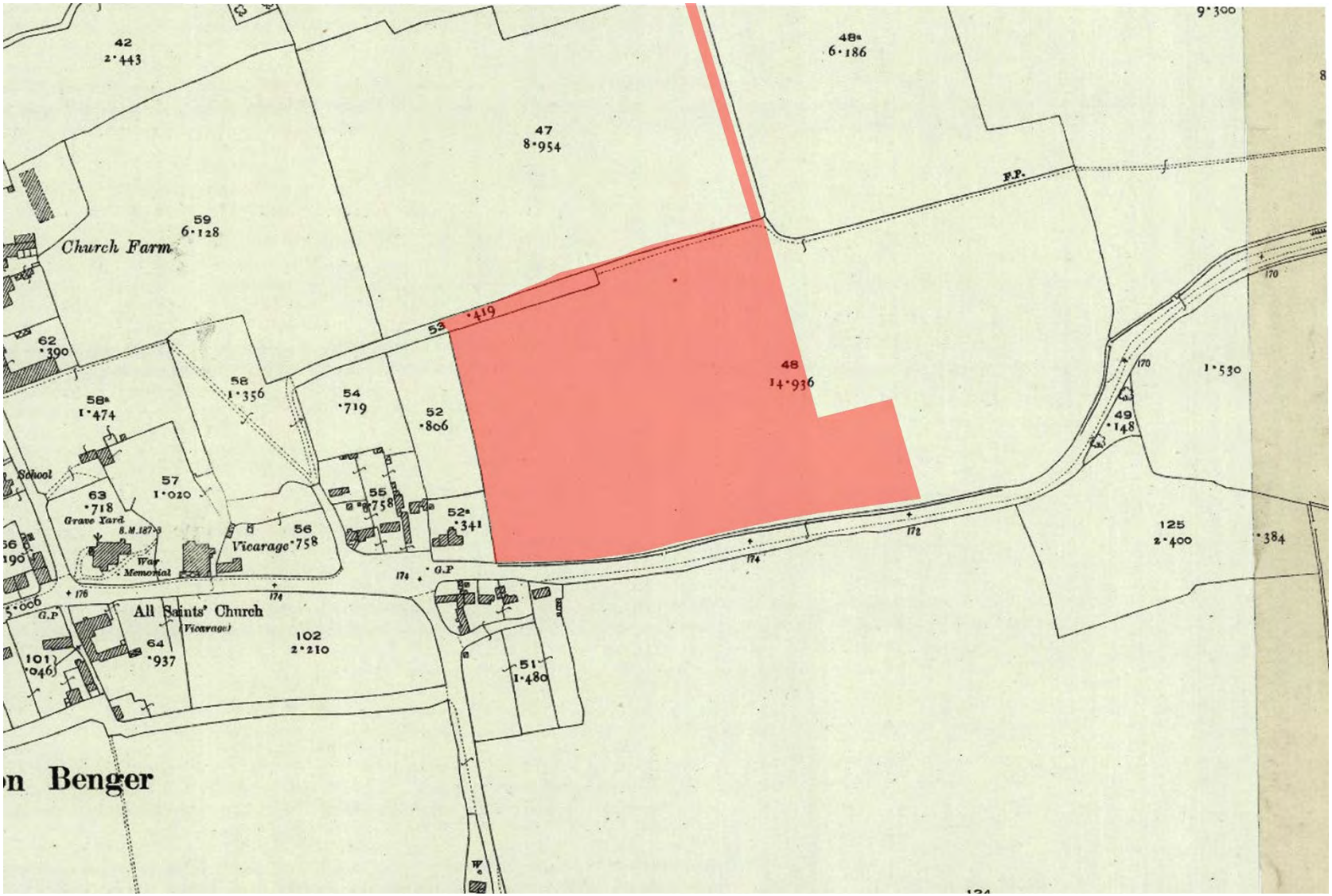

Plate 9: Third Edition (1923) Ordnance Survey map.

The site location is shaded red. Source: Know Your Place.



Plate 10: 1945 aerial photograph.

The site location is outlined in red. Source: Google Earth Pro.



Plate 11: 1999 satellite image.

Site location outlined in red. Source: Google Earth Pro.



Plate 12: 2021 satellite image.

Site location outlined in red. Source: Google Earth Pro.

Undated or Unknown Features

4.35. Undated linear features were detected within the site following the 2020 geophysical survey (MWI77352 & EWI9751) and are also visible on the 2021 aerial photography described above. These have been interpreted as the remains of a former field system. No significant archaeological remains were discovered during subsequent evaluation.

4.36. Undated circular cropmarks have been recorded *c.* 125 to 150m east to north-east of the site (MWI5037) in the area of the possible Iron Age settlement. These have been interpreted as ring ditches but have not been evaluated.

4.37. Other undated cropmarks and features within the study area are distant from the site and provide no meaningful evidence regarding its archaeological potential.

Statement of Archaeological Potential and Significance

4.38. Previous survey and evaluation works within a north-west to south-east axis across the site have recorded no significant archaeological remains. This area has been disturbed by groundworks to lay a new sewer route.

4.39. There is potential for Iron Age and Romano-British remains within other, undisturbed, parts of the site given the cropmarks and surface finds recorded east of the site. However, if a late prehistoric settlement did exist to the east, it appears that the site was peripheral to this occupation and the probability of discovering significant archaeology within the site would therefore be low. The potential for significant earlier prehistoric archaeology within the site is considered to be very low.

4.40. The site appears to have been peripheral to the medieval settlement of Sutton Benger, forming part of its agricultural hinterland. Any buried remains of medieval agricultural activity within the site, such as former field boundaries or plough furrows, would not typically possess a level of significance to be regarded as heritage assets or require preservation in situ. The probability of significant medieval archaeology within the site is considered to be low.

4.41. The agricultural use of the site appears to have continued from the medieval period to the present day. As such, the potential for significant post-medieval to modern archaeology within the site is considered to be very low.

Designated Heritage Assets

4.42. Designated heritage assets in the vicinity of the site are considered in further detail in the Setting Assessment Section below.

5. Setting Assessment

5.1. Step 1 of the methodology recommended by the Historic England guidance *GPA:3* (see 'Methodology') is to identify which heritage assets might be affected by a proposed development.[19]

5.2. Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.

5.3. Consideration was made as to whether any of the heritage assets present within or beyond the 1km study area include the site as part of their setting, and therefore may potentially be affected by the proposed development.

5.4. Assets in the vicinity identified for further assessment based on their proximity to and/or intervisibility with the site comprise:

- Grade II Listed 74 & 76 High Street (NHLE 1200570);
- Grade II Listed Church Farmhouse (NHLE 1300678);
- The Grade II* Listed Church of All Saints, Sutton Benger (NHLE 1022403); and
- The Sutton Benger Conservation Area, including consideration of other listed buildings on the eastern edge of Sutton Benger.

5.5. Other assets have been excluded due to their distance from the site, the lack of intervisibility or designed visual connections, and the absence of any historic associations in terms of landownership or functional use.

5.6. A map showing the locations of all designated heritage assets in the vicinity of the site is included at ***Appendix 2***.

5.7. For those assets that have been taken forward for further setting assessment, full copies of the associated List Entries are presented in ***Appendix 7***.

[19] Historic England, *GPA:3*, p. 4.

74 & 76 High Street

5.8. 74 & 76 High Street were added to the National List at Grade II on 29th February 1988. The List Entry describes the asset as follows:

"Pair of cottages, now one house, rubble stone with thatched roof, hipped to west, half-hipped to east, and ridge stack. 1½ storeys, two eyebrows over casement pairs with thatch carried down over door between. Casement pair to left of door, triple casement to right, then door and casement pair to right. Left end, under roof hip is apparently added, with front C20 casement. Included for group value."

5.9. The roof and upper floor of the asset can be glimpsed from the High Street, above the stone walling, timber fencing and mature vegetation which characterises the curtilage boundary (Plate 13). It is legible as a traditional domestic building of local stone construction with a thatched roof.



Plate 13: 74 & 76 High Street, south elevation as seen from the High Street.

5.10. The cottages are recorded on the 1839 tithe map and apportionment (Plate 6) as plot 15, 'Two houses and gardens', which were both owned by Jemima Dawes and occupied by the same and James Robins. The land to the north was historically in the same ownership and used for pasture.

5.11. By the end of the 20th century, it appears that the asset had been substantially extended to the rear and a new dwelling built within its historic garden curtilage. The latter was accessed via a new driveway extending past the east flank of the asset (Plate 11). Since then, additional residential development has taken place to the north (Plate 12).

5.12. The cottages appear to have been sited and orientated in relation to the High Street, with this constituting the main approach to the asset (currently and historically) and from which there are the public glimpses described and illustrated above. From within the cottage, primary views appear to be directed to the south and focused on the front garden area.

Statement of Significance

5.13. The Grade II Listing of 74 & 76 High Street highlights that it is a heritage asset of less than the highest significance as defined by the *NPPF*.[20] This significance is consolidated by its inclusion within the boundaries of the Sutton Benger Conservation Area.

5.14. The heritage significance of the listed building is principally embodied in its physical fabric, although the List Entry makes it clear that the building was added to the National List for its group value rather than its independent, intrinsic historic and architectural interest.

5.15. Historic interest is derived from the age and general form of the building, being legible as a vernacular domestic building which probably dates from the post-medieval period.

5.16. The architectural interest of the building is principally embodied in its earliest fabric, comprising stone and thatch. Any residual layers of early or original thatch will potentially possess archaeological interest.

5.17. It has not been possible to inspect the building in detail, therefore it is unclear if the building possesses other physical features or architectural details that contribute to its historic and architectural interest.

5.18. The setting of Nos. 74 & 76 also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "*setting*") which are considered to contribute to its heritage significance comprise:

- The remains of its historic garden curtilage, which give legibility to its function as a domestic building;
- The High Street, which the building appears to have been originally sited and orientated in relation to, and

[20] DLUHC, NPPF, para. 200.

from which public glimpses of its historic fabric are possible;

- The other near-contemporary listed cottages immediately to the west (62–70 High Street) with which Nos. 74 & 76 possess group value; and

- The open land immediately to the east, across which there are views from the east flank of the asset and which gives legibility to the historically peripheral location of Nos. 74 & 76 at the edge of the settlement.

Any Contribution of the Site through Setting

5.19. The site is located immediately east and north-east of 74 & 76 High Street, albeit separated by the modern driveway (which provides access to the modern residential development to the north) and intervening vegetation.

5.20. There is no evidence of a historic association between the asset and the site, with the 1839 tithe map and apportionment recording that they were in separate ownership and occupation, and therefore not functionally associated.

5.21. From within the site (including the public right of way that runs through the northern edge), the east gable and a first-floor window of the listed building can be glimpsed through breaks in the intervening vegetation (Plate 14 & Plate 15). There will be reciprocal views from this window into and across the southern part of the site. Such views are considered to be incidental rather than designed, especially as there is no known evidence of a historic association with the site.



Plate 14: 74 & 76 High Street, east gable as glimpsed from the south-west corner of the site.



Plate 15: West-facing view towards 74 & 76 High Street (marked with a yellow arrow) from the south-east corner of the site.

5.22. Overall, the site, mostly through the southern part, is considered to make a very small contribution to the significance of Grade II Listed 74 & 76 High Street through setting by giving legibility to the historically peripheral settlement location of Nos. 74 & 76.

Assessment of Potential Impacts

5.23. The Development Framework Plan has responded to 74 & 76 High Street by pulling development back from the southern boundary (where the site fronts onto the High Street).

5.24. This setback will preserve the viewshed from the first-floor east gable window of the asset, such that the incidental view across open land that was not historically associated will be maintained. New built form will be peripheral to this viewshed and set back behind a landscape buffer characterised by wildflower meadows and new planting.

5.25. By extension, the setback of development will preserve legibility of the asset's position on the historic settlement edge. Whilst the new built form will be experienced in conjunction with the asset in dynamic views along the High Street/B4069, such views already contain the modern residential development immediately north of the listed building (cf. Plate 15 above).

5.26. Long-range glimpses of the asset from the public right of way along the northern edge of the site will be interrupted. These do not constitute key or designed views of the asset, and its form is barely perceptible because it is screened by intervening vegetation and it has been subsumed by surrounding modern development (Plate 16).

5.27. Considering the absence of a historic association between the asset and the site and the embedded mitigation presented within the Development Framework Plan, it is anticipated the site could be residentially developed and cause, at most, very minor, less than substantial harm to the significance of Grade II Listed 74 & 76 High Street through change to its setting.



Plate 16: South-west-facing view across the proposed development area towards 74 & 76 High Street.

The listed building is barely perceptible (its location is marked with a yellow arrow).

Church Farmhouse

5.28. Church Farmhouse was added to the National List at Grade II on 29th February 1988. The List Entry describes the asset as follows:

"Farmhouse, late C18, roughcast with stone slate roof and end stacks. Two storeys, three-window range, casements above, pair to centre and triple each side, tripartite sashes to ground floor each side of off-centre door in flush moulded ashlar surround. Timber 3-bay porch with hipped stone slate roof. North east rear wing and south east parallel range, both with end stacks."

5.29. The listed building is best publicly viewed from Seagry Road, from which its principal west elevation can be appreciated and it can be understood as a traditional stone dwelling (Plate 17).

5.30. The 1839 tithe map and apportionment records the building within plot 84, a homestead, which was then owned by William Richard Arthur Pole-Tylney-Long-Wellesley Esquire and occupied by John Lanfear. The same men owned and occupied several fields to the north-east, east and south-east, which evidently formed the landholdings connected to the farm (Plate 18).

5.31. The asset has since ceased to form part of a working farm and its historically associated agricultural buildings have been converted to residential uses or demolished. There has also been modern development in the immediate vicinity, including the construction of a tennis court to the east (which intervenes in the space between the asset and its former landholdings) and Toad Hall to the north-east.

5.32. The listed building was principally orientated to face Seagry Road to the west, although there will be views from the other elevations, including east-facing views across its former landholdings.

<u>Statement of Significance</u>

5.33. The Grade II Listing of Church Farmhouse highlights that it is a heritage asset of less than the highest significance as defined by the *NPPF*.[21] This significance is consolidated by its inclusion within the boundaries of the Sutton Benger Conservation Area.

5.34. The heritage significance of the listed building is principally embodied in its physical fabric, which derives historic interest from its age and legibility as a traditional farmhouse of probable 18th-century construction, and architectural interest from its earliest stone fabric and architectural detailing.

[21] DLUHC, NPPF, para. 200.



Plate 17: Church Farmhouse, principal west elevation seen from Seagry Road.

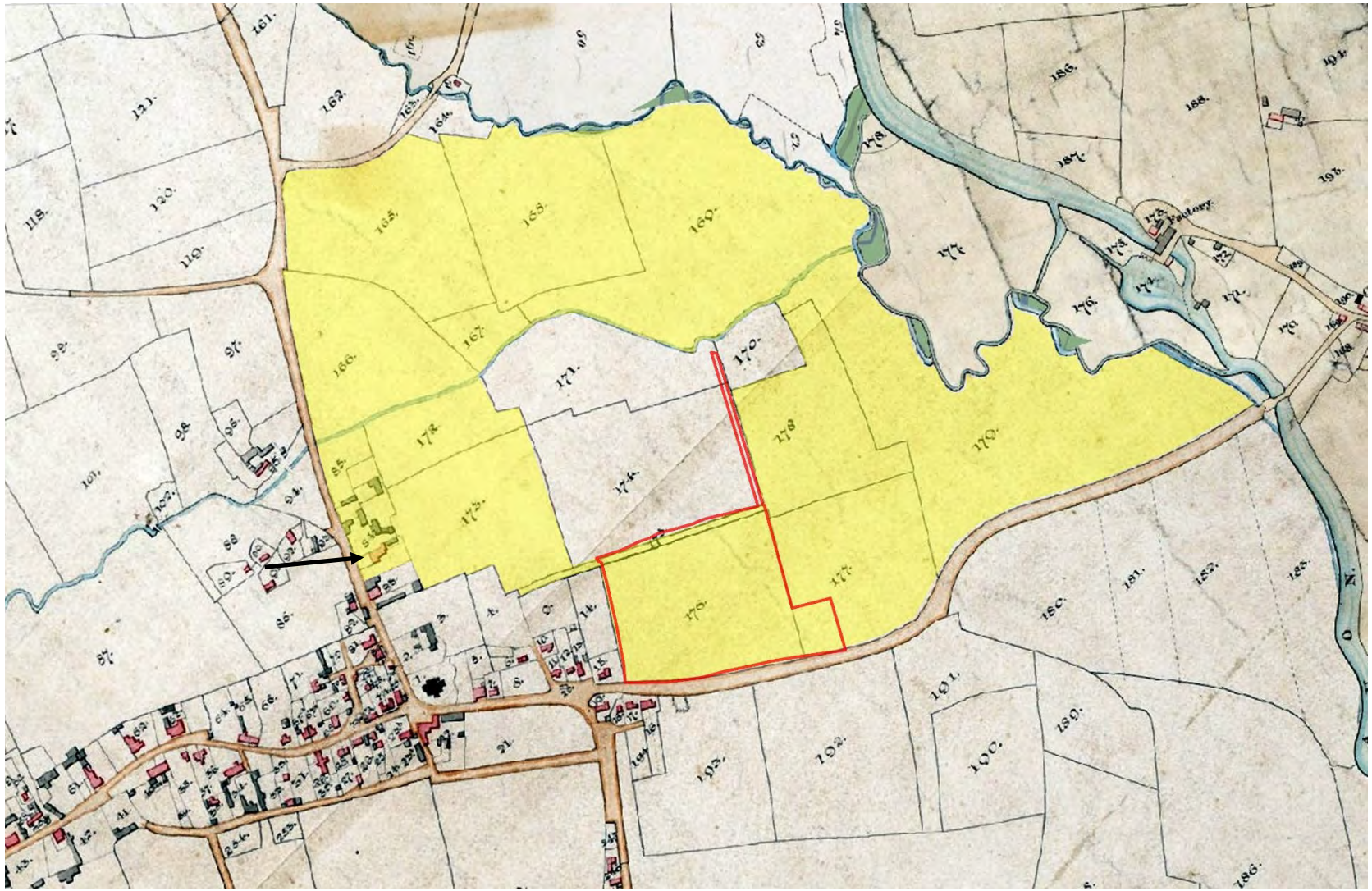

Plate 18: 1839 tithe map for the parish of Sutton Benger showing the location of Church Farm (arrow) and its associated landholdings (shaded yellow).

The site location is outlined in red.

5.35. The setting of Church Farmhouse also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "*setting*") which are considered to contribute to its heritage significance comprise:

- Its curtilage, especially the gardens, which give legibility to its historic function as a domestic building;
- The surviving agricultural buildings which were historically associated and with which it possesses group value, although these have been converted to residential uses and their contribution diminished by the fact that they no longer form part of a working farm;
- Seagry Road, which the building appears to have been originally sited and orientated in relation to, and from which public views of its principal west elevation are possible; and
- The open land immediately to the east, which was part of the historic landholdings and which is anticipated to be experienced in views out from the listed building.

Any Contribution of the Site through Setting

5.36. The site is located *c.* 250m east of Church Farmhouse at its nearest point.

5.37. The 1839 tithe records that the site form part of the functionally associated landholdings of Church Farm, although even at that time there was some physical separation due to intervening glebe land. This association has now been severed.

5.38. There is no evidence of designed views from the rear elevation of the asset towards the site, especially given the rear elevation is orientated east-north-east (away from the site).

5.39. From the northern edge of the site, there are long-range glimpses of the asset above the boundary hedgerows; however, the asset is so distant that it blends with other built form (including modern development) on the east side of Seagry Road (Plate 19). Consequently, these do not represent key views and do not better reveal the historic farmstead context of the asset.

5.40. For these reasons, the site is considered to make no meaningful contribution to the significance of Grade II Listed Church Farmhouse through setting, its historic functional association being best appreciated from the historic cartographic sources described and illustrated.



Plate 19: West-facing view towards Church Farmhouse (location marked with an orange arrow) from the public right of way at the northern edge of the site.

Assessment of Potential Impacts

5.41. Although the proposed development will alter the character of the site from agricultural to residential, the functional association with the asset has long-since been severed.

5.42. New built form will be far-removed from the asset and will not be visible in any key or designed views. Given the orientation of the listed building, there is anticipated to be, at most, only distant, peripheral glimpses of the development from the rear elevation of the asset, and this will be beyond intervening modern development.

5.43. The historic relationship between the asset, its former agricultural buildings, and its former landholdings immediately to the east will still be legible and unaffected by the proposed development.

5.44. It is therefore anticipated that the site could be residentially developed in line with the Development Framework Plan and cause no harm to the significance of Grade II Listed Church Farmhouse through setting.

Church of All Saints, Sutton Benger

5.45. The Church of All Saints was added to the National List at Grade II* on 20th December 1960. The List Entry describes the asset as follows:

"Anglican parish church, C12 origins, C14 and C15, heavily restored 1851 by J.H. Hakewill. Rubble stone with stone slate roofs and coped gables. West tower, nave, south aisle, south porch and chancel. C15 west tower has pointed west door, renewed 3-light west window, canopied niche over, diagonal buttresses, moulded dripcourses, flat-headed 2-light bell openings with pierced stone panels, panelled embattled parapet with corner pinnacles and centre bell-spirelet, openwork with crockets. Nave has ashlar 3-window C15 north wall with buttresses, moulded plinth and large Perpendicular flat-headed 3-light windows, possibly originally a north aisle. Small circular east window. South aisle has remarkable C14 Decorated detail. Sill course and massive ball flower eaves cornice carried around west end as hoodmould over 3- light west window with reticulated tracery. Three bay south side with stepped buttresses, moulded sill course and dripcourse, mouldings carried around buttresses and projecting ashlar south porch, dripcourse raised as hoodmould over 2-light pointed window each side of porch. Porch has moulded pointed arch with ogee headed niche over, three flat-headed cusped 2-light side windows with buttresses between, moulded sill course and eaves cornice. Ball flower cornice is not continued to right of porch. Right 2- light window has cusped lights and octofoil head. Exceptional pointed east window with reticulated tracery all ball flower ornamented and cusped. Blank bottom panel of middle light is ornamented with a

miniature scheme of the window between buttress shafts. Very large pig gargoyle to right, between nave and aisle roofs. 1851 chancel with ball flower eaves cornice, south side lancet, buttress, door and 2-light window, east end 3-light with flamboyant tracery and north side gabled vestry and lancet. Interior: porch has transverse stone arches on wall shafts. Stone slab roof. Moulded pointed doorway with C19 door. Aisle has double-purlin roof with collar trusses, possibly original, nave has broad 1851 four-bay windbraced roof. Moulded tower arch, 1851 five-bay arcade of circular piers and 2-step pointed arches, the west arch springing from green-man carved corbel, of remarkable size and quality, possibly C19 but said to be original. Aisle has circular scalloped Norman font and fine canopied niche with buttress shafts in middle light of east window. Mutilated niche in wall to right. C19 chancel arch, scissor-truss chancel roof and encaustic-tiled sanctuary with c1851 stalls. Stained glass: deep coloured 1851 east window, pictorial style, one chancel south window of 1862. Nave north windows with, from east, patterned quarries of c1860, good C14 style glass of c1862 and good deep coloured window of 1864 signed Charles Gibbs. Nave east roundel has glass of c1860."

5.46. The church is believed to have 12th-century origins but was successively remodelled over the following centuries, before being heavily restored in the mid-19th century.

5.47. The church is positioned at the heart of Sutton Benger, adjacent to the intersection of the High Street, Seagry Road and Bell Lane. It is surrounded by its churchyard, the boundary of which is defined by stone walling. A lychgate at the south-west corner provides access from the road junction. Glebe land historically extended to the north-east; this has been partially residentially developed.

5.48. The church is best appreciated from the immediate vicinity. Due to its tower, it can also be glimpsed from the wider area.



Plate 20: All Saints Church as seen from the lychgate to the south-west.

Statement of Significance

5.49. The Grade II* Listing of All Saints' Church highlights that it is a heritage asset of the highest significance as defined by the *NPPF*.[22] This significance is consolidated by its inclusion within the boundaries of the Sutton Benger Conservation Area.

5.50. The heritage significance of the building is principally embodied in its physical fabric. Generally, it derives historic interest from its age and form as a traditional parish church of probable 12th-century origins which is still used as a place of worship. The architectural interest is embodied in the various phases of construction and high-quality architectural detail and decorative features, internally and externally.

5.51. The setting of the church makes a lesser contribution to its significance. Those elements of setting which principally contribute are as follows:

- Its churchyard, which forms the immediate setting, provides the best views of its external fabric, and facilitates the ecclesiastical function of the building (i.e. burial);
- Historically associated structures, including the Old Rectory (Grade II Listed) to the east;
- Residual elements of its glebe land immediately to the north-east which can be experienced in conjunction with the church;
- The adjacent road junction, this being the principal route intersection from which the church can be seen and was designed to be visually prominent from; and
- The historic settlement core of Sutton Benger, which the church has long served and which it can be experienced in conjunction with as part of sequential views.

Any Contribution of the Site through Setting

5.52. The site is located *c.* 215m east of the church. There is no evidence of a direct historic association, and the mid-19th-century tithe confirms that it did not form part of the glebe land (except for the narrow northernmost spur of the site which is not proposed for built development).

5.53. From the eastern part of the site, including the public right of way that runs along the northern edge, there are long-distance glimpses of the church tower (Plate 21). These glimpses are variably filtered and interrupted by intervening trees and built form, which includes the modern residential development immediately to the west.

5.54. It is probable that views of the tower from within the site were historically more open due to the lesser amount of intervening built form (see 'Historic Map Regression'). However, the tower is now a barely perceptible feature rather than a prominent landmark.

[22] DLUHC, NPPF, para. 200.



Plate 21: South-west-facing view in the direction of the church from the public right of way at the north-east corner of the site.

The church tower (location marked with a purple arrow) is filtered by intervening vegetation and barely perceptible.

5.55. The site therefore makes no contribution to the significance of All Saints' Church through setting.

Assessment of Potential Impacts

5.56. The proposed development is anticipated to interrupt residual glimpses of the church tower from the public right of way that passes through the site and from within the eastern part of the site more generally.

5.57. Considering views of the tower are already foregrounded and interrupted by modern residential development, and the perception of the church tower as a prominent landmark has already been eroded as a result, these residual glimpses are not considered to make any contribution to the special interest of the asset.

5.58. Important views of the church tower, such as those from the former glebe land to the north-east, will be unaffected.

5.59. Consequently, it is anticipated that the site could be residentially developed in line with the Development Framework Plan and cause no harm to the significance of the Grade II* Listed Church of All Saints through change to its setting.

Sutton Benger Conservation Area

5.60. The Sutton Benger Conservation Area is focused on the historic village core which is predominantly arranged along the High Street and Seagry Road.

5.61. As noted in ***Section 4***, the village has early medieval origins and appears to have developed as a nucleated settlement centred on the parish church. A linear expansion of the settlement appears to have occurred during the post-medieval period.

5.62. The principal approach and route through the Conservation Area is the High Street/B4069, which is roughly aligned on an east-west axis. Other historic approaches are those from Seagry Road (to the north) and Sutton Lane (to the south). The Conservation Area can also be approached from the surrounding agricultural landscape via public rights of way.

Statement of Significance

5.63. Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that Conservation Areas should be designated on the basis of their special architectural and historic interest, with this being derived from their character and appearance.

5.64. Following independent assessment and desk-based research, the elements of the intrinsic character and appearance of the Sutton Benger Conservation Area that are considered to contribute to its significance can be summarised as follows:

- The nucleated layout around All Saints' Church gives legibility to the medieval origins of the settlement,

whilst surrounding linear development (especially along the High Street) illustrates the extension of the settlement during the post-medieval period (historic interest).

- The historic buildings within the settlement, many of them modest and domestic or agricultural in origin, give legibility to the development of Sutton Benger as a rural farming community (architectural and historic interest).
- The prevalence of traditional, vernacular building materials, especially local limestone, contributes to the architectural interest of the area.
- Traditional boundary treatments, often characterised by drystone walls, define historic plots and contribute to a sense of enclosure in parts of the village (architectural and historic interest).
- There are important green spaces within the designation area which illustrate the village's development and facilitate key views, such as the churchyard and the Old Rectory garden (historic interest).
- Mature vegetation in the form of trees and hedges contribute to the rural character of the area and frame and soften views.

5.65. With regard to views more generally, street scenes and sequential views within the Conservation Area which contain its most important buildings and the key characteristics contribute most to the appreciation of the asset's special architectural and historic interest.

5.66. Whilst there is currently no statutory protection for the settings of Conservation Areas, it is clear that elements of the surrounds on the Sutton Benger Conservation Area contribute to its overall significance, though to a considerably lesser extent than the elements of intrinsic character and appearance identified.

5.67. This setting broadly comprises the surrounding agricultural landscape and Draycot Park (to the west). These elements of setting contribute where they can be readily experienced in conjunction with the historic settlement core and better illustrate the development of Sutton Benger as a rural community.

<u>Any Contribution of the Site through Setting</u>

5.68. The site lies immediately east of the Conservation Area and has historically formed part of its agricultural hinterland (see ***Section 4*** for further discussion).

5.69. The eastern edge of the settlement has expanded since the Conservation Area was first designated, most notably through the residential development of the land immediately to the west, and planning permission has recently been granted for residential development to the south (LPA ref. 20/03876/OUT; see ***Section 1*** for further discussion).

5.70. When entering and leaving the eastern edge of the Conservation Area via the High Street/B4069, the site is visible as undeveloped land set behind an embankment and hedgerows (Plate 22 & Plate 23).



Plate 22: North-east-facing view towards the site (largely screened from view by boundary hedgerows) from the eastern boundary of the Conservation Area on the High Street/B4069.



Plate 23: West-facing view across the site and towards the Conservation Area from the bank on the north side of the B4069.

5.71. In long-range views towards the Conservation Area from the B4069 (Plate 23), the openness of the southern part of the site facilitates views of Grade II Listed 74 & 76 High Street and the tower of Grade II* Listed All Saints' Church, thereby making a very small contribution to the understanding of the settlement's rural context and giving some legibility to the historic eastern settlement edge.

5.72. Further to the last point, however, it must be acknowledged that the early 21st-century residential development to the rear (north) of 74 & 76 High Street (and immediately west of the site) has partly obscured the historic eastern extent of the settlement.

5.73. As noted in the preceding setting assessment for All Saints' Church, the church tower can be glimpsed from within the eastern part of the site and the public right of way, but these are not judged to be important views and the intervening modern development has eroded the legibility of the historic settlement edge.

5.74. Other assets on the eastern edge of the Conservation Area, namely Grade II Listed 62–70 High Street, are separated from the site by intervening built form and are not readily experienced in conjunction with one another.

5.75. Overall, the site is considered to make a very small contribution to the significance of the Sutton Benger Conservation Area through setting. Mostly, this contribution derives from the openness of the southern part of the site where this gives some residual legibility to the historic settlement edge (as defined by Nos. 74 & 76) and its immediate agricultural hinterland in the views illustrated and described.

Assessment of Potential Impacts

5.76. The proposed development will alter the character site from agricultural to residential; however, an agricultural character will be sustained in the southernmost part of the site through the provision of wildflower meadows. New built form will be set back behind this landscape buffer.

5.77. Whilst it anticipated that new built form will be visible when entering and leaving the Conservation Area via the B4069, the visual impact will be softened by the setback and new planting.

5.78. The setback of development will ensure that it adjoins existing modern residential development and that the historic eastern edge of the settlement will be still expressed in terms of views towards and from the east flank of Grade II Listed 74 & 76 High Street (as discussed previously). Long-range glimpses of the church tower from the B4069 would also be preserved.

5.79. The loss of incidental, glimpsed views of the church tower and Nos. 74 & 76 from the eastern part of the site (including the public right of way) would not harm the significance of the Conservation Area considering the existing experience of modern development on the settlement edge (see Plate 16 & Plate 21 above).

5.80. Finally, it should be reiterated that the Senior Conservation Officer for Wiltshire Council recently concluded that the residential development of land immediately south of the site (on the opposite side of the B4069) would cause no harm to the significance of the Conservation Area through change to its setting (LPA

refs. 20/03875/OUT & 20/03876/OUT; see ***Section 1*** for more detailed illustration and discussion).

5.81. This conclusion was sustained and elaborated upon by the Inspector in the subsequent appeal decision for 20/03876/OUT:

"The development would be next to a small part of Sutton Benger Conservation Area (CA). However, it would be set away from the historic buildings and attractive street scenes towards the centre of the village and from which the CA gains its significance. Therefore, the proposal's effect on the setting of the CA results in no harm to its most important features. The significance, character and appearance of the CA overall would be preserved. Also, the development or any additional traffic would have no meaningful effect on the significance of any other heritage assets, including archaeological remains."

5.82. It is anticipated that the site could be residentially developed in line with the Development Framework Plan and cause, at most, only very minor, less than substantial harm to the significance of the Sutton Benger Conservation Area through change to its setting for the following reasons:

- The development will be set back from the nearest historic building, namely 74 & 76 High Street; and
- The development will not alter any of the key street scenes at the centre of the village.

6. Conclusions

6.1. This Archaeology and Built Heritage Statement has been commissioned by Gladman Developments Ltd to assess the deliverability of residential development on land at High Street, Sutton Benger.

Archaeology

6.2. Previous survey and evaluation works within a north-west to south-east axis across the site have recorded no significant archaeological remains. This area has been disturbed by groundworks to lay a new sewer route.

6.3. There is potential for Iron Age and Romano-British remains within other, undisturbed, parts of the site given the cropmarks and surface finds recorded east of the site. However, if a late prehistoric settlement did exist to the east, it appears that the site was peripheral to this occupation and the probability of discovering significant archaeology within the site would therefore be low. The potential for significant earlier prehistoric archaeology within the site is considered to be very low.

6.4. The site appears to have been peripheral to the medieval settlement of Sutton Benger, forming part of its agricultural hinterland. Any buried remains of medieval agricultural activity within the site, such as former field boundaries or plough furrows, would not typically possess a level of significance to be regarded as heritage assets or require preservation in situ. The probability of significant medieval archaeology within the site is considered to be low.

6.5. The agricultural use of the site appears to have continued from the medieval period to the present day. As such, the potential for significant post-medieval to modern archaeology within the site is considered to be very low.

Built Heritage

6.6. There are no designated or non-designated built heritage assets within the site.

6.7. With regard to Grade II Listed 74 & 76 High Street (NHLE 1200570) and the Sutton Benger Conservation Area, it is proposed that development be set back from the High Street/B4069 and Nos. 74 & 76, behind a landscape buffer that sustains an agricultural character. This will preserve legibility of the historic settlement edge as well as views towards and from Nos. 74 & 76. When considered in conjunction with the Inspector's comments in the recent appeal decision for 20/03876/OUT, it is anticipated that the site could be residentially developed in line with the Development Framework Plan and cause, at most, only very minor, less than substantial harm to the significance of each asset through change to their settings. In accordance with paragraph 202 of the NPPF, this less than substantial harm should be weighed against the public benefits of the scheme.

6.8. No other built heritage assets are considered to be sensitive to the development proposals, including Grade II Listed Church Farmhouse (NHLE 1300678) and the Grade II* Listed Church of All Saints, Sutton Benger (NHLE 1022403).

Sources

Legislation
UK Public General Acts, Ancient Monuments and Archaeological Areas Act 1979.
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UK Public General Acts, Planning and Compulsory Purchase Act 2004.

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Jones v Mordue [2015] EWCA Civ 1243.
Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin).
Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.
R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Cartographic Sources	
1773	A topographical map of Wiltshire, after Andrews and Dury.
1839	Tithe map for the parish of Sutton Benger.
1886	First Edition Ordnance Survey map.
1900	Second Edition Ordnance Survey map.
1923	Third Edition Ordnance Survey map.

Appendix 1: Gazetteer

Heritage Data

HER Event Data

Ev UID	Name
EWI3508	The Avebury Project - The Medieval and Post Medieval Assessment
EWI4993	Wiltshire Archaeological Magazine (Wiltshire Heritage Studies) Volume 93, 262
EWI5701	Wiltshire Archaeological Magazine (Wiltshire Heritage Studies) Volume 93, 262
EWI6898	Archaeological Watching Brief at All Saints Church, Sutton Benger
EWI9971	Archaeological Mitigation at Chippenham Gateway, Sewer Pipeline
EWI5700	Land to rear of 58, High Street, Sutton Benger
EWI6141	Evaluation at the New Rectory, Sutton Benger
EWI9108	Geophysical Survey at Arms Farm
EWI9631	Geophysical Survey on Land to the East of Church View
EWI9751	Geophysical Survey for Chippenham Gateway Scheme
EWI9783	Evaluation on Land East of Church View
EWI10138	Land East of Church View, Sutton Benger

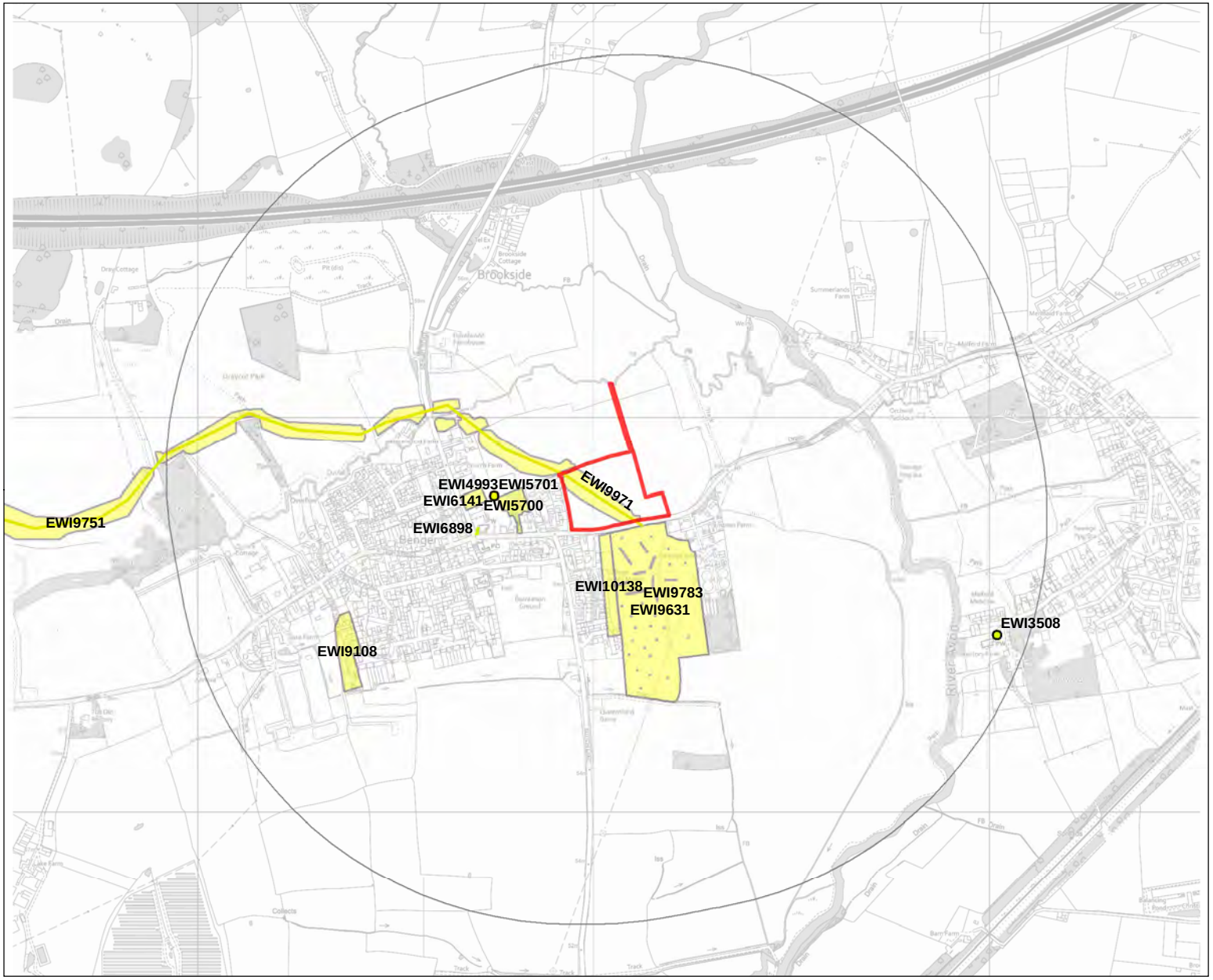
HER Monument Data

Mon UID	Pref Ref	Name	Mon Type	Period
MWI4993	ST97NE001	Palaeolithic Finds, South East of Sutton Benger	Associated finds	Palaeolithic
MWI4994	ST97NE050	Mesolithic Tools, Summerlands Farm	FINDSPOT	Mesolithic
MWI4996	ST97NE100	Neolithic Tools, Gravel Pit, Summerlands Farm	FINDSPOT	Neolithic
MWI4997	ST97NE101	Neolithic Flint, South of Queen Field	FINDSPOT	Neolithic
MWI4998	ST97NE102	Neolithic flints, Ditch West of Avon Mill	FINDSPOT	Neolithic
MWI5001	ST97NE200	Iron Age Pottery, East of Church Farm	FINDSPOT	Iron Age
MWI5005	ST97NE303	Romano-British Pottery, West of Avon Mill	FINDSPOT	Roman
MWI5006	ST97NE304	Romano-British Pottery, East of Church Farm	FINDSPOT	Roman
MWI5021	ST97NE464	Medieval Pottery, East of Church Farm	FINDSPOT	Medieval
MWI5030	ST97NE526	Post Medieval Pottery, East of Church Farm	FINDSPOT	Post Medieval
MWI5096	ST97NW404	Saxon Dagger, Tytherton Lucas	FINDSPOT	Saxon
MWI5126	ST97NW480	Stonewell Cottage, 38 High Street	FINDSPOT	Medieval
MWI66298	MWI66298	Church Farm	FARMSTEAD	C18
MWI66299	MWI66299	Poplar Farm	FARMSTEAD	C19
MWI66300	MWI66300	Site of Farmstead in Sutton Benger	FARMSTEAD	C19
MWI66301	MWI66301	Manor Farm, Sutton Benger	FARMSTEAD	Medieval

MWI66302	MWI66302	Gate Farm	FARMSTEAD	C17
MWI66303	MWI66303	Arms Farm	FARMSTEAD	C18
MWI66390	MWI66390	The Old Rectory (Rectory Farm)	FARMSTEAD	C17
MWI66392	MWI66392	Summerlands Farm	FARMSTEAD	C19
MWI66393	MWI66393	Malford Farm	FARMSTEAD	C19
MWI71344	MWI71344	Site of Outfarm, North North East of Church Farm	OUTFARM	C19
MWI71350	MWI71350	Outfarm, South West of Avon Villa	OUTFARM	C19
MWI71351	MWI71351	Site of Outfarm, South West of Avon Villa	OUTFARM	C19
MWI75275	MWI75275	Memorial to Judith Pearce	COMMEMORATIVE STONE	Modern
MWI5007	ST97NE400	Christian Malford	SETTLEMENT	Saxon
MWI5041	ST97NE609	Possible Iron Age Settlement, East of Church Farm	SETTLEMENT	Unknown
MWI5050	ST97NE620	Undated Cropmarks, East of Sutton Benger	LINEAR FEATURE	Unknown
MWI5054	ST97NE624	Undated Ditches, North East of Langley Burrell Farm	DITCH	Unknown
MWI5093	ST97NW401	Sutton Benger	SETTLEMENT	Saxon
MWI5114	ST97NW468	Medieval Settlement, Sutton Benger	SETTLEMENT	Medieval
MWI5132	ST97NW527	Draycot Park	LANDSCAPE PARK	Post Medieval
MWI76325	MWI76325	Medieval Ridge and Furrow, Sutton Benger	RIDGE AND FURROW	Medieval
MWI76325	MWI76325	Medieval Ridge and Furrow, Sutton Benger	RIDGE AND FURROW	Medieval

MWI76325	MWI76325	Medieval Ridge and Furrow, Sutton Benger	RIDGE AND FURROW	Medieval
MWI76325	MWI76325	Medieval Ridge and Furrow, Sutton Benger	RIDGE AND FURROW	Medieval
MWI5037	ST97NE605	Ring Ditch, East of Church Farm	RING DITCH	Unknown
MWI77352	MWI77352	Undated Field System	FIELD SYSTEM	Unknown
MWI31521	MWI31521	Pillbox, East of the River Avon	PILLBOX (TYPE FW3/24)	C20
MWI31524	MWI31524	Pillbox, East of Sutton Benger	PILLBOX (TYPE FW3/22)	C20
MWI31771	MWI31771	Pillbox, South of B4069	PILLBOX (TYPE FW3/24)	C20
MWI31772	MWI31772	Pillbox, North East of Sutton Benger	PILLBOX (TYPE FW3/24)	C20
MWI34192	MWI34192	Avon Weir, (Christian Malford Mill)	MILL HOUSE	Early C19
MWI34194	MWI34194	All Saints Church, Christian Malford	CHURCH	Medieval to Late C19
MWI77347	MWI77347	Prehistoric Ring Ditches	RING DITCH	Early Bronze Age to Late Iron Age

Appendix 2: Figures



KEY

- Site
- Study Area (1km)
- HER 'Events' (point)
- HER 'Events' (line)
- HER 'Events' (polygon)

Figure 1: HER 'Events'

Land at High Street, Sutton Benger

Client: Gladman Developments Ltd

DRWG No: P17-1050 Sheet No: - REV: -

Drawn by: JT Approved by: GS

Date: 30/06/2023

Scale: 1:15,000 @ A4

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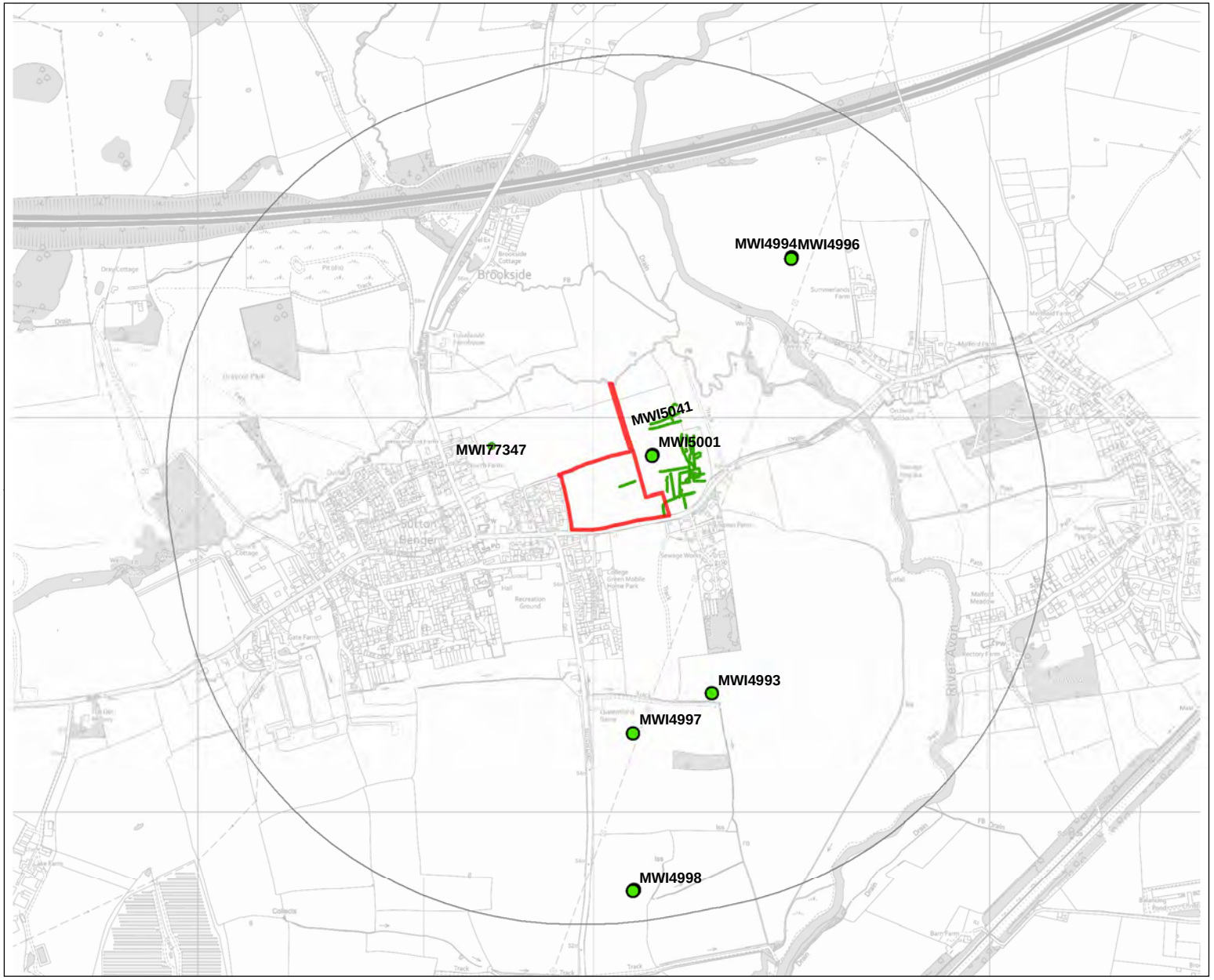

KEY

- Site
- Study Area (1km)
- Monuments (point)
- Monuments (line)
- Monuments (polygon)

Figure 2: HER 'Monuments' Prehistoric to Romano-British

Land at High Street, Sutton Benger

Client: Gladman Developments Ltd

DRWG No: P17-1050 Sheet No: - REV: -

Drawn by: JT Approved by: GS

Date: 30/06/2023

Scale: 1:15,000 @ A4

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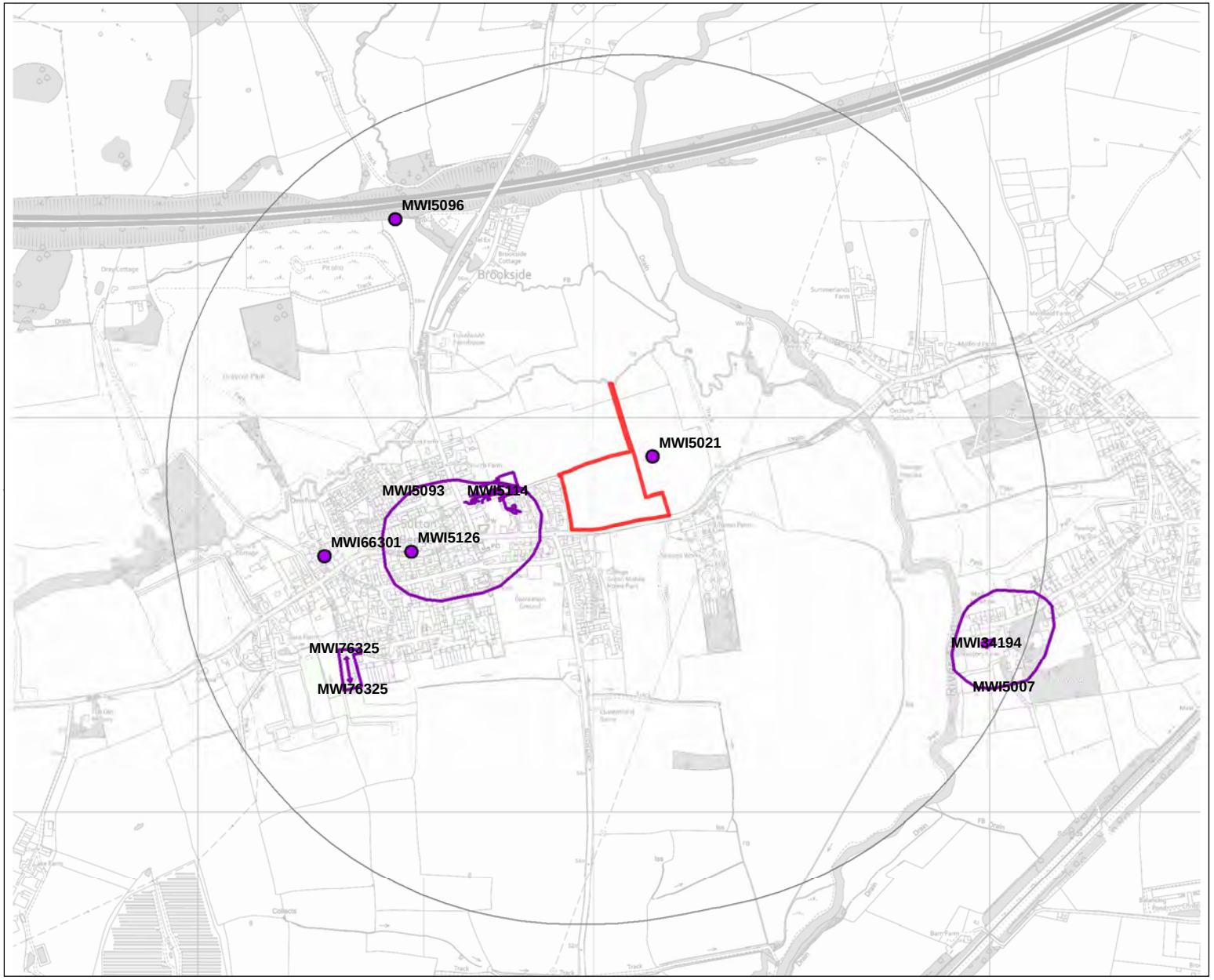

0 0.5 km

N

KEY

- Site
- Study Area (1km)
- Monuments (point)
- Monuments (line)
- Monuments (polygon)

Figure 3: HER 'Monuments' Medieval

Land at High Street, Sutton Benger

Client: Gladman Developments Ltd

DRWG No: P17-1050 Sheet No: - REV: -

Drawn by: JT Approved by: GS

Date: 30/06/2023

Scale: 1:15,000 @ A4

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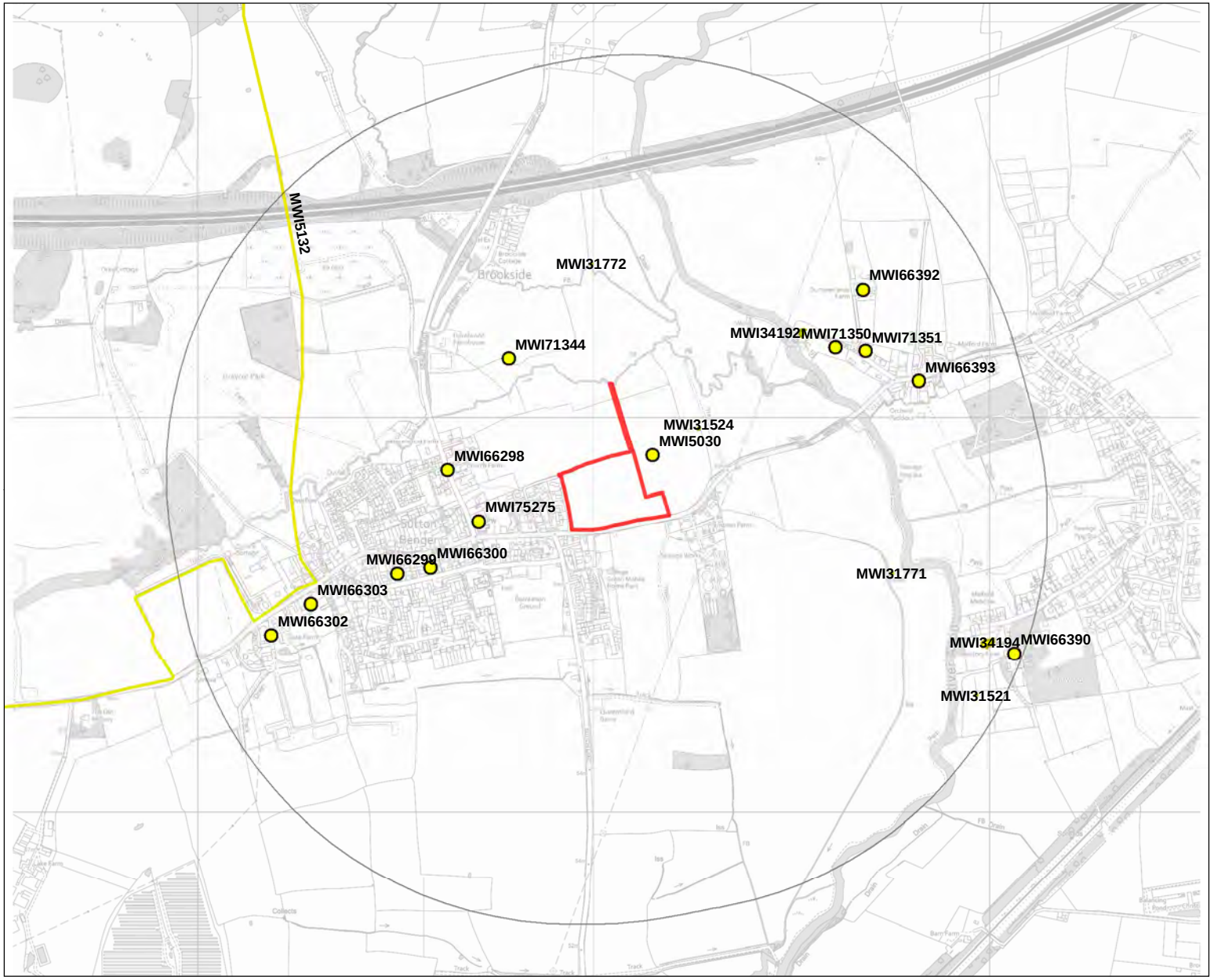

KEY

- Site
- Study Area (1km)
- Monuments (point)
- Monuments (line)
- Monuments (polygon)

Figure 4: HER 'Monuments' Post-Medieval to Modern

Land at High Street, Sutton Benger

Client: Gladman Developments Ltd

DRWG No: P17-1050 Sheet No: - REV: -

Drawn by: JT Approved by: GS

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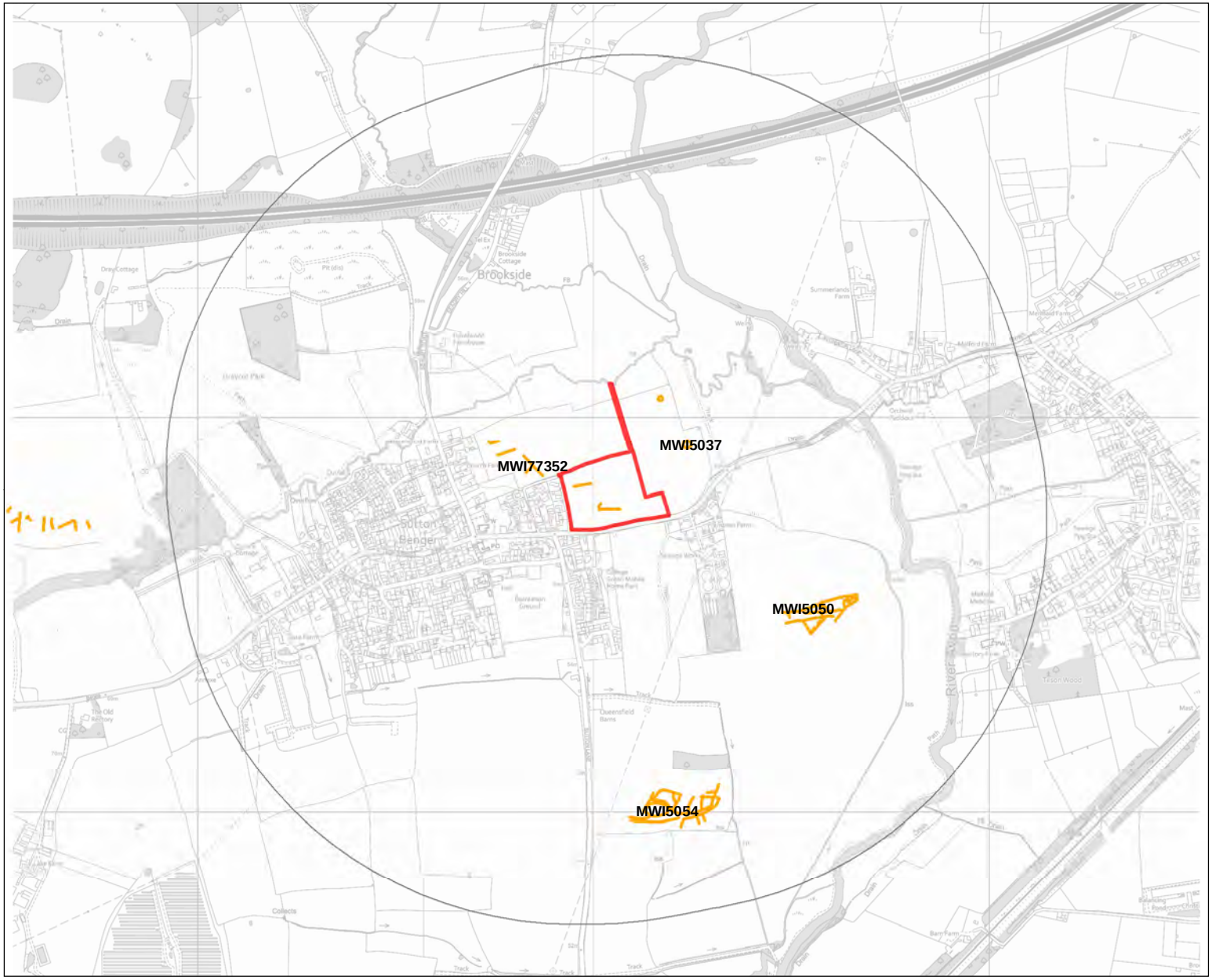

KEY

- Site
- Study Area (1km)
- Monuments (line)

Figure 5: Unknown/undated features

Land at High Street, Sutton Benger

Client: Gladman Developments Ltd

DRWG No: P17-1050 Sheet No: - REV: -

Drawn by: JT Approved by: GS

Date: 30/06/2023

Scale: 1:15,000 @ A4

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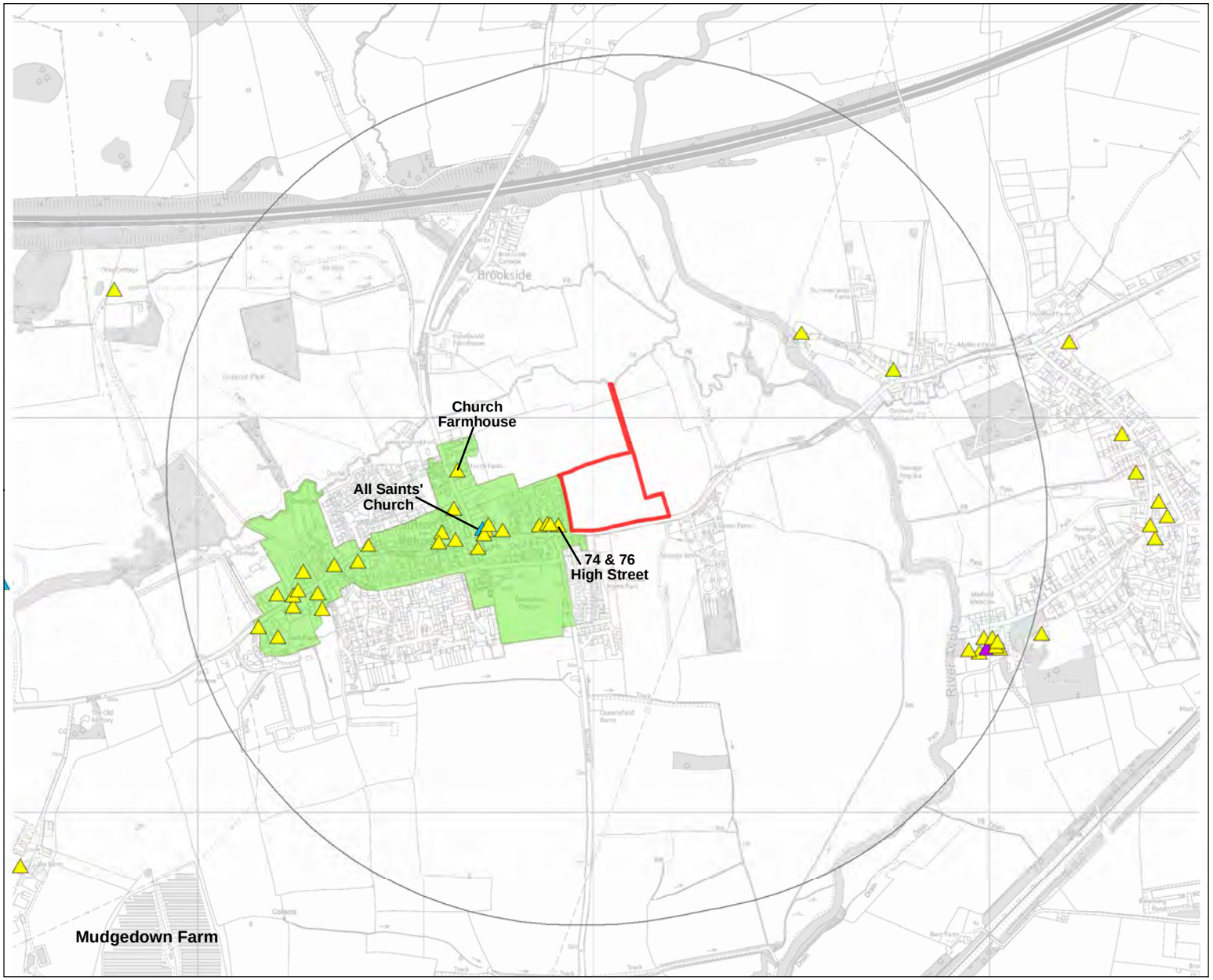

KEY

- Site
- Study Area (1km)
- Sutton Benger Conservation Area

Listed Buildings

- Grade I
- Grade II*
- Grade II

Figure 6: Map of Designated Heritage Assets

Land at High Street, Sutton Benger

Client: Gladman Developments Ltd
DRWG No: P17-1050 Sheet No: - REV: -
Drawn by: JT Approved by: GS
Date: 30/06/2023
Scale: 1:15,000 @ A4

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Appendix 3: 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."***[23]

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.[24]

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*.[25] These essentially cover the heritage 'interests' given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.[26]

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.[27]

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

[23] DLUHC, *NPPF*, pp. 71-72.
[24] Historic England, *GPA:2*.
[25] 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.
[26] DLUHC, *NPPF*, p. 71; DLUHC, *PPG, Annex 2*.
[27] 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. [28]

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the NPPF:

> ***"Significance derives not only from a heritage asset's physical presence, but also from its setting."*** [29]

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."*** [30]

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*". [31]

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

[28] Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).
[29] DLUHC, *NPPF*, p. 72.
[30] DLUHC, *NPPF*, p. 71.
[31] Historic England, *GPA:3*, pp. 8, 11.

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 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."*** [32]

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;[33]

- **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);[34] and

[32] Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.
[33] DLUHC, *NPPF*, para. 200 and fn. 68.
[34] DLUHC, *NPPF,* para. 200.

- **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 not meet the criteria for designated heritage assets*".[35]

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/weighing 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*";[36] 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."***[37]

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*".[38]

[35] DLUHC, *PPG*, paragraph 039, reference ID: 18a-039-20190723.
[36] Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.
[37] DLUHC, *PPG*, paragraph 018, reference ID: 18a-018-20190723.
[38] R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

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*".[39] Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

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*".[40] Of particular relevance is the checklist given on page 13 of *GPA:3*.[41]

It should be noted that this key document also states:

> ***"Setting is not itself a heritage asset, nor a heritage designation…"***[42]

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".***[43]

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.[44]

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 5***, 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.[45]

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.[46]

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).***

[39] Historic England, *GPA:2*, p. 9.
[40] Historic England, *GPA:3*, p. 8.
[41] Historic England, *GPA:3*, p. 13.
[42] Historic England, *GPA:3*, p. 4.
[43] Historic England, *GPA 3.*, p. 8.
[44] Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.
[45] DLUHC, *NPPF,* paras. 201 and 202.
[46] 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.

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 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."***[47]

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.

[47] MHCLG, *PPG*, paragraph 020, reference ID: 18a-020-20190723.

Appendix 4: 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.[48] It does not provide statutory protection for non-designated or Locally Listed heritage assets.

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."***[49]

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."***[50]

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 5***), this is in keeping with the requirements of the 1990 Act.[51]

With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

> ***"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."***[52]

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

[48] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
[49] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).
[50] Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.
[51] Jones v Mordue [2015] EWCA Civ 1243.
[52] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations 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.[53]

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

Appendix 5: 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 plan-making this means that:***
>
> ***a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
>
> ***b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
>
> ***i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; 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.

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."[54]

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."***[55] (our emphasis)

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.

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)."***[56]

[54] DLUHC, *NPPF*, para. 11.
[55] DLUHC, *NPPF*, para. 11, fn. 7.
[56] DLUHC, *NPPF*, p. 67.

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."***[57]

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."***[58]

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."***[59]

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."***[60]

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***

[57] DLUHC, *NPPF*, p. 66.
[58] DLUHC, *NPPF*, pp. 71-72.
[59] DLUHC, *NPPF*, para. 195.
[60] DLUHC, *NPPF*, para. 197.

substantial harm, total loss or less than substantial harm to its significance."[61]

"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 gardens, and World Heritage Sites, should be wholly exceptional."[62]

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

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."[63]

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."[64]

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

[61] DLUHC, *NPPF*, para. 199.
[62] DLUHC, *NPPF*, para. 200.
[63] DLUHC, *NPPF*, para. 201.
[64] DLUHC, *NPPF*, para. 202.

> ***"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."***[65]

Paragraph 207 goes on to recognise that "*not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance*" and with regard to the potential harm from a proposed development states:

> ***"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."***[66] (our emphasis)

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."***[67]

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 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:

[65] DLUHC, *NPPF*, para 206.
[66] DLUHC, *NPPF*, para. 207.
[67] DLUHC, *NPPF*, para. 203.

> ***"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."***[68]

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."***[69] (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."***[70]
>
> ***"Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way."***[71]

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;***

[68] DLUHC, *PPG*, paragraph 007, reference ID: 18a-007-20190723.
[69] DLUHC, *PPG*, paragraph 018, reference ID: 18a-018-20190723.
[70] DLUHC, *NDG*, para. 46.
[71] DLUHC, *NDG*, para. 47.

- *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."[72]

[72] DLUHC, *NDG*, paras. 48-49.

Appendix 6: Relevant Development Plan Policies

Applications for Planning Permission in Sutton Benger are currently considered against the policy and guidance set out within the Wiltshire Core Strategy which was adopted on 20th January 2015.

Core Policy 58 'Ensuring the conservation of the historic environment' states:

> ***"Development should protect, conserve and where possible enhance the historic environment.***
>
> ***Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:***
>
> ***i. nationally significant archaeological remains***
>
> ***ii. World Heritage Sites within and adjacent to Wiltshire***
>
> ***iii. buildings and structures of special architectural or historic interest***
>
> ***iv. the special character or appearance of conservation areas***
>
> ***v. historic parks and gardens***
>
> ***vi. important landscapes, including registered battlefields and townscapes.***
>
> ***Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping).***
>
> ***Heritage assets at risk will be monitored and development proposals that improve their condition will be encouraged. The advice of statutory and local consultees will be sought in consideration of such applications."***

Core Policy 57 'Ensuring high quality design and place shaping' also makes reference to the historic environment:

> ***"A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:***
>
> ***i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local***

topography by ensuring that important views into, within and out of the site are to be retained and enhanced

ii. *the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development*

iii. *responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting*

iv. *being sympathetic to and conserving historic buildings and historic landscapes*

v. *the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)*

vi. *making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area*

vii. *having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*

viii. *incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site*

ix. *ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)*

x. *the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials*

xi. *taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and*

space will be used in the immediate and long term future

xii. *the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm*

xiii. *the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place*

xiv. *meeting the requirements of Core Policy 61 (Transport and New Development).”*

Appendix 7: List Entries

74 AND 76, HIGH STREET

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1200570

Date first listed: 29-Feb-1988

Statutory Address 1: 74 AND 76, HIGH STREET

Location

Statutory Address: 74 AND 76, HIGH STREET

The building or site itself may lie within the boundary of more than one authority.

District: Wiltshire (Unitary Authority)

Parish: Sutton Benger

National Grid Reference: ST 94912 78730

Details

SUTTON BENGER HIGH STREET ST 9478 (north side)

12/280 Nos 74 and 76

GV II

Pair of cottages, now one house, rubble stone with thatched roof, hipped to west, half-hipped to east, and ridge stack. 1½ storeys, two eyebrows over casement pairs with thatch carried down over door between. Casement pair to left of door, triple casement to right, then door and casement pair to right. Left end, under roof hip is apparently added, with front C20 casement. Included for group value.

Listing NGR: ST9491278730

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 316108

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



End of official list entry

CHURCH FARMHOUSE, SEAGRY ROAD

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1300678

Date first listed: 29-Feb-1988

Statutory Address 1: CHURCH FARMHOUSE, SEAGRY ROAD

Location

Statutory Address: CHURCH FARMHOUSE, SEAGRY ROAD

The building or site itself may lie within the boundary of more than one authority.

District: Wiltshire (Unitary Authority)

Parish: Sutton Benger

National Grid Reference: ST 94657 78868

Details

SUTTON BENGER SEAGRY ROAD ST 9478 (east side)

12/296 Church Farmhouse

II

Farmhouse, late C18, roughcast with stone slate roof and end stacks. Two storeys, three-window range, casements above, pair to centre and triple each side, tripartite sashes to ground floor each side of off-centre door in flush moulded ashlar surround. Timber 3-bay porch with hipped stone slate roof. North east rear wing and south east parallel range, both with end stacks.

Listing NGR: ST9465778868

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 316117

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



End of official list entry

CHURCH OF ALL SAINTS, HIGH STREET

Official list entry

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1022403

Date first listed: 20-Dec-1960

Statutory Address 1: CHURCH OF ALL SAINTS, HIGH STREET

Location

Statutory Address: CHURCH OF ALL SAINTS, HIGH STREET

The building or site itself may lie within the boundary of more than one authority.

District: Wiltshire (Unitary Authority)

Parish: Sutton Benger

National Grid Reference: ST 94720 78722

Details

SUTTON BENGER HIGH STREET ST 9478 (north side)

12/272 Church of All Saints

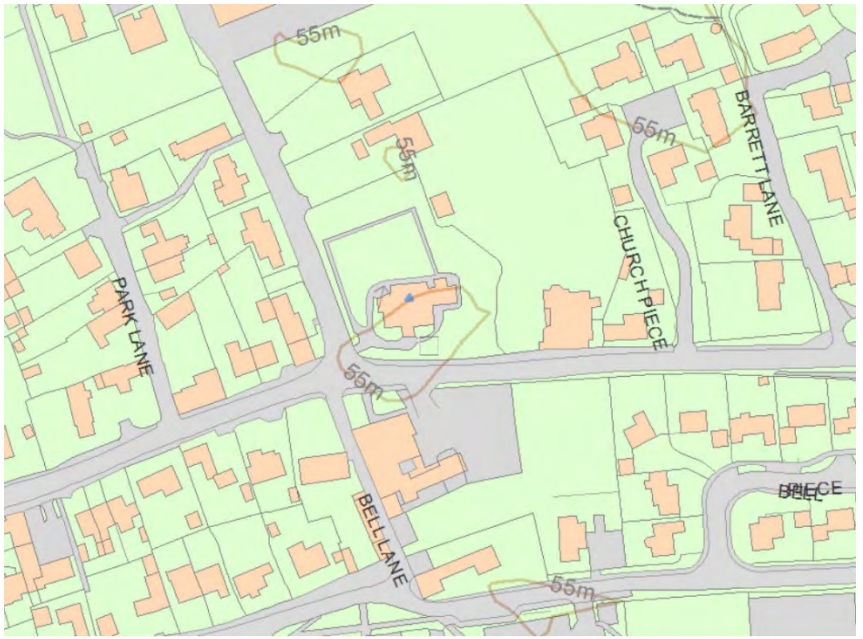
20.12.60

GV II*

Anglican parish church, C12 origins, C14 and C15, heavily restored 1851 by J.H. Hakewill. Rubble stone with stone slate roofs and coped gables. West tower, nave, south aisle, south porch and chancel. C15 west tower has pointed west door, renewed 3-light west window, canopied niche over, diagonal buttresses, moulded dripcourses, flat-headed 2-light bell openings with pierced stone panels, panelled embattled parapet with corner pinnacles and centre bell-spirelet, openwork with crockets. Nave has ashlar 3-window C15 north wall with buttresses, moulded plinth and large Perpendicular flat-headed 3-light windows, possibly originally a north aisle. Small circular east window. South aisle has remarkable C14 Decorated detail. Sill course and massive ball flower eaves cornice carried around west end as hoodmould over 3- light west window with reticulated tracery. Three bay south side with stepped buttresses, moulded sill course and dripcourse, mouldings carried around buttresses and projecting ashlar south porch, dripcourse raised as hoodmould over 2-light pointed window each side of porch. Porch has moulded pointed arch with ogee headed niche over, three flat-headed cusped 2-light side windows with buttresses between, moulded sill course and eaves cornice. Ball flower cornice is not continued to right of porch. Right 2- light window has cusped lights and octofoil head. Exceptional pointed east window with reticulated tracery all ball flower ornamented and cusped. Blank bottom panel of middle light is ornamented with a miniature scheme of the window between buttress shafts. Very large pig gargoyle to right, between nave and aisle roofs. 1851 chancel with ball flower eaves cornice, south side lancet, buttress, door and 2-light window, east end 3-light with flamboyant tracery and north side gabled vestry

and lancet. Interior: porch has transverse stone arches on wall shafts. Stone slab roof. Moulded pointed doorway with C19 door. Aisle has double-purlin roof with collar trusses, possibly original, nave has broad 1851 four-bay windbraced roof. Moulded tower arch, 1851 five-bay arcade of circular piers and 2-step pointed arches, the west arch springing from green-man carved corbel, of remarkable size and quality, possibly C19 but said to be original. Aisle has circular scalloped Norman font and fine canopied niche with buttress shafts in middle light of east window. Mutilated niche in wall to right. C19 chancel arch, scissor-truss chancel roof and encaustic-tiled sanctuary with c1851 stalls. Stained glass: deep coloured 1851 east window, pictorial style, one chancel south window of 1862. Nave north windows with, from east, patterned quarries of c1860, good C14 style glass of c1862 and good deep coloured window of 1864 signed Charles Gibbs. Nave east roundel has glass of c1860. (N. Pevsner, Wiltshire, 1975, 502-3)

Listing NGR: ST9472078722



End of official list entry

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 316100

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

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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