

# CD13.7

## Proof of Evidence

*Heritage*

### on behalf of Rule 6 Party Fillongley Parish Council

Appeal by Enviromena Project Management UK Ltd  
at Land 800 metres south of Park House Farm,  
Meriden Road, Fillongley, Warwickshire, CV7 8BP

**Planning Appeal ref.APP/R3705/W/24/3349391**

Local Planning Authority Reference: PAP/2023/0071

11<sup>th</sup> March 2025

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Keystone Heritage



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## Executive Summary

This Proof of Evidence (CD13.7) is submitted in regard to Planning Appeal ref. APP/R3705/W/24/3349391 for the proposed development of a solar farm on land 800 metres south of Park House Farm, Meriden Road, Fillongley, Warwickshire, CV7 8BP. It relates to the likely impact from development upon the significance of heritage assets as raised as Point 2 by the Case Management Conference (CMC) on 7<sup>th</sup> January 2025 and has been prepared on behalf of Rule 6 Party Fillongley Parish Council by Catherine Tuck, principal heritage consultant at the Keystone Heritage consultancy.

An assessment of the appeal site and relevant heritage assets has been carried out as a desk-based exercise and during site visit. This found that the harmful impact on the historic environment resulting from the proposed development is likely to be 'less than substantial' in NPPF terms, with harm to individual heritage assets extending to the very upper end of that scale.

While this magnitude of harmful effect is not substantial in regard to any single heritage asset, collectively the impact on the historic environment as a whole is considerable to the point of being unacceptable, with the greatest level of harm being caused to the setting, and thereby significance, of a rare and highly designated class of medieval scheduled monument.

While the public benefits of reduced carbon production are well known, these potential benefits must be weighed in the planning balance against any harm to the historic environment. The NPPF requires 'great weight' to be given to the conservation of heritage assets - the more important the asset, the greater that weight should be. No evaluation of other viable sites that could accommodate the proposed solar farm development was included in the planning application. As such, it cannot be concluded that the same public benefits cannot be achieved elsewhere whilst avoiding the long term, and in some cases irreversible, impact on a surviving area of historic palimpsest countryside at the heart of the Ancient Arden landscape.

The conflict of the proposal against the Framework policies relating to designated and non-designated heritage assets provides a strong reason for refusing or restricting the appeal development.

## Contents

Executive Summary	3
Contents	4
1 Background	5
2 Introduction	7
3 Planning Policy	9
4 Heritage Case	10
5 Planning Balance	15
6 Impact on Heritage Assets	17
7 Conclusion	25



# 1 Background

- 1.1 This Proof of Evidence is submitted in response to Planning Appeal ref. APP/R3705/W/24/3349391 for the proposed development of a solar farm on land 800 metres south of Park House Farm, Meriden Road, Fillongley, Warwickshire, CV7 8BP.
- 1.2 The proposed development comprises ‘the construction of a temporary Solar Farm, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure’.
- 1.3 Planning permission for the scheme (planning application ref. PAP/2023/0071) was refused by North Warwickshire Borough Council in July 2024. The Appellant is Enviromena Project Management UK Ltd.
- 1.4 This Proof of Evidence relates to heritage matters and is submitted on behalf of the Rule 6 Party Fillongley Parish Council.

## Witness Qualifications and Experience

- 1.5 This document has been prepared by Catherine Tuck, principal heritage consultant at the Keystone Heritage consultancy.
- 1.6 I hold a BSc(Hons) in Archaeological Sciences and have over 30 years’ experience in recording, understanding, and managing change in the historic environment as an historic landscape surveyors with the Royal Commission on the Historical Monuments of England (RCHME) and as an Historic Buildings Inspector in the planning section of English Heritage (later Historic England) prior to establishing the Keystone Heritage consultancy. I have been engaged as a sessional undergraduate lecturer to Cambridge University and designed and taught an extra-mural course on historic landscape survey for Birkbeck College, London.
- 1.7 Professional experience that spans both historic buildings and landscapes is rare and is one that enabled me to contribute to drafting the first edition of Historic England’s guidance on the setting of heritage assets, the second edition of which is referred to by parties at this appeal.

- 1.8 I am an affiliate member of the Institute of Historic Building Conservation (IHBC) and undertake on-going Continuing Professional Development training with that Institute. I have professional experience of the appeal process, including public inquiry, having been required to provide evidence on heritage matters on several occasions.
- 1.9 I was not involved with the solar farm proposal at application stage. My services as a heritage consultant were engaged by Fillongley Parish Council following refusal of application PAP/2023/0071 and subsequent appeal of the decision by Enviromena Project Management UK Ltd.
- 1.10 The appeal site was visited on 3<sup>rd</sup> November 2024 under dry but very dull conditions. The site visit was undertaken in order to verify details of the proposal, to assess the likely impact of the proposed development on the historic environment and to record the site and its surroundings/key views photographically. Experience and opinions I gained during the site visit informed the production of the Rule 6 Party Statement of Case Heritage Report (CD9.10).

#### Declaration

- 1.11 The evidence that I have prepared and provide for this appeal is true and has been prepared, and is given in accordance with, the guidance of my professional Institution irrespective of by whom I am instructed. I can confirm that the opinions expressed are my true and professional opinions.

## 2 Introduction

- 2.1 Planning Appeal ref. APP/R3705/W/24/3349391 relates to the refusal by North Warwickshire Borough Council for the proposed development of a solar farm on c.60 hectares of farmland south-west of the village of Fillongley in North Warwickshire. The appeal site is unusual in that it is located within the Green Belt and the overwhelming majority of it is BMV. As set out in the Rule 6 Party Planning Proof of Evidence (CD13.3) and further demonstrated here, the Parish Council asserts that the appeal site does not meet the definition of grey belt because the application of policies relating to designated and non-designated heritage assets provides a strong reason for refusing its development. The Planning Proof of Evidence (CD13.3) underlines that no evaluation of other viable sites for the proposed solar farm development was included in the planning application.
- 2.2 Numerous heritage assets (both designated and non-designated), including the Scheduled Monument of a 12<sup>th</sup> century medieval ringwork, lie in the vicinity of the appeal site. The appeal site itself contains a number of non-designated heritage assets as well as potential unknown archaeology. The historic village of Fillongley is a conservation area. At its closest point, the appeal site lies just 300 metres from the boundary of the designated area. Topographically, the site contains a ridge of high ground that is highly visible from the surrounding countryside sloping down to the west, north and east. The line of Meriden Road borders the site to the west and the M6 motorway lies to the south.
- 2.3 A Case Management Conference (CMC) was held on 7<sup>th</sup> January 2025. The main points raised by the CMC are as follows:
1. Whether the proposed development would not be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
  2. Likely effects upon the significance of various heritage assets. The assets identified by the *Appellant* and *Council* are as follows (the Rule 6 Party raise additional designated and non-designated assets):
    - Fillongley Conservation Area;
    - Park House Farm Grade II listed building;
    - Fillongley Mount Grade II listed building;
    - Manor House Farm Grade II listed building;
    - White House Farm House Grade II listed building;
    - The 12<sup>th</sup> century medieval ringwork Scheduled Monument.

3. Likely effects upon the character and appearance of the area having regard to landscape and visual effects – including public viewpoints and effects upon users of public rights of way.
4. The weight to be attached to effects upon Best and Most Versatile [agricultural] Land.
5. Other matters may include flooding and drainage.

2.4 This Proof of Evidence will address point 2 relating to heritage. It should be read in conjunction with the Proofs of Evidence submitted by the Tyler Parkes Partnership Ltd. on behalf of the Rule 6 Party covering points 1 (development in Green Belt), 3 (landscape), 4 (BMV) and 5 (flooding and drainage).

2.5 The heritage statement of case for the Rule 6 Party is set out in the submitted Heritage Report by Keystone Heritage (CD9.10). This document examines the likely impact on the significance of heritage assets arising from the proposed development in the context of relevant planning policy. It also provides an examination of the Appellant's Heritage & Archaeology Assessment by BWB Consulting (CD1.19) submitted in support of planning application ref. PAP/2023/0071, highlighting a number of significant errors in the Appellant's document.

2.6 A main Statement of Common Ground (CD12.2) has been agreed between the Rule 6 Party and the Appellant. A Heritage Statement of Common Ground (CD12.4) has been agreed between Keystone Heritage (on behalf of the Rule 6 Party) and the Pegasus Group (on behalf of the Appellant) on 7<sup>th</sup> February 2025. Points that have been agreed are not addressed here.

### Procedural Issues

2.7 Two sets of plans have been submitted by the Appellant in support of the appeal – with and without drainage ponds. It is understood that the Appellant has a preference for the proposal without ponds.

2.8 Since the commencement of the appeal, updated guidance on Green Belt/Grey Belt land has been issued.

### 3 Planning Policy

#### Reason for Refusal

- 3.1 The proposal was refused as it was deemed to be inappropriate development in the Green Belt that would not preserve the openness of the Green Belt as required by Policy LP3 of the North Warwickshire Local Plan 2021 and the National Planning Policy Framework (NPPF). This will be addressed by Tyler Parkes on behalf of the Rule 6 Party.
- 3.2 Additionally, the proposal was deemed to cause landscape and visual harm in contravention of North Warwickshire Local Plan (2021) Policies LP1, LP14 and LP30 and Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan 2019. This will also be addressed by Tyler Parkes on behalf of the Rule 6 Party.
- 3.3 It is the position of the Rule 6 Party that, in addition to the policies listed in the Decision Notice, the proposed development fails to comply with NPPF paragraphs 207, 212, 213, 215 and 216.
- 3.4 It is also asserted by the Rule 6 Party that the proposed development fails to comply with The North Warwickshire Local Plan (2021) Policy LP15 relating to the conservation of the historic built environment.
- 3.5 The proposal also offends Policy FNP06 of the Fillongley Neighbourhood Plan (2018-2034), the aim of which is to ensure that '*Applications for development that will harm designated and non-designated heritage assets will be refused*'. The Regulation 14 update to this Policy also requires proposals for development involving the setting of a designated heritage asset to, *inter alia*, ensure significant views towards and associated with the heritage asset(s) are conserved or enhanced. Non-compliance with these additional heritage-related policies will be addressed by Keystone Heritage on behalf of the Rule 6 Party.
- 3.6 The Decision Notice concludes that '*The cumulative harms caused are considered to be substantial because of the development's proposed size, its siting on higher land, there being no surrounding higher land and its public visibility over a wide area. It is not considered that this substantial harm is clearly outweighed by any benefits that the proposal might give rise to.*' Importantly, the cumulative effect of harm in landscape and visual terms also applies to impact on the historic environment.

## 4 Heritage Case

- 4.1 The CMC identified the 'likely effects upon the significance of various heritage assets' as point 2 in a list of 5 main points relating to this appeal.
- 4.2 In regard to point 2, it is asserted that heritage reasons should have been included in the Reasons for Refusal of planning application ref. PAP/2023/0071. This is because the proposal fails to comply with policies 207, 208, 212, 213, 215 and 216 of the NPPF, as well as Policy LP15 of The North Warwickshire Local Plan (2021), and Policy FNP06 of the Fillongley Neighbourhood Plan.
- 4.3 A number of aspects of the way in which the historic environment has been assessed during the decision-making process are unsatisfactory and fall below the standard required of best practice. It is asserted that inadequate consideration was given to heritage issues and the potential impact from the proposed solar farm development on the historic environment.

### Reliance on Heritage & Archaeology Assessment

- 4.4 The Board Report of 22<sup>nd</sup> May 2023 (CD2.1) does not include any heritage advice other than a summary of the Appellant's own Heritage & Archaeology Assessment (CD1.19), the shortcomings of which are examined in the Rule 6 Party Heritage Report (CD9.10). A reliance on this document as the basis for decision-making is problematical since, *inter alia*, the Appellant failed to assess a number of non-designated heritage assets both at application stage (Heritage & Archaeology Assessment by BWB Consulting CD1.19) and at appeal stage (contribution to Heritage Statement of Common Ground by the Pegasus Group CD12.4).

### NWBC Incorrect Information

- 4.5 The Board Report of 4<sup>th</sup> March 2024 includes heritage in-house opinion provided by North Warwickshire Borough Council, as required by NPPF paragraph 208. However, this advice contains incorrect information on a relevant listed building. It describes Manor House Farm and the likely impact on it (in para 4.28) as follows:
- 'Manor House Farm and its attached barn is a Grade 2 Listed Building on Green End Lane dating from the 14th and 15th Century with later additions, some 750 metres to the north-west of the site. The immediate setting of this group includes other more modern agricultural*

*buildings. There is very limited if any intervisibility with the site and it plays no part in the wider setting of these assets.'*

- 4.6 The farmhouse at Manor House Farm is not a grade II listed building, indeed, the structure is not nationally designated at all. Only the east and west gate piers at the entrance to the farmyard are listed (list entry nos. 1186205 (east) and 1034836 (west)). Manor House Farm does not date to the '14<sup>th</sup> and 15<sup>th</sup> century with later additions', as is clear to even casual observers of the property. It appears, in fact, to be relatively late (19<sup>th</sup> century/Victorian) in date, placing the NWBC description out by around 500 years. It is also evident that the Manor House Farm farmhouse does not have an attached barn.



*Manor House Farm farmhouse is not 14<sup>th</sup>-15<sup>th</sup> century in date and has no attached barn.*

- 4.7 The building described in the Board Report does bear close resemblance to the list entry for Moor Farm house and barn (List Entry Number: 1116519) which lies to the south of the M6 motorway. It seems that the heritage information for Moor Farm house and barn was mistakenly interchanged with Manor House Farm in the provision of advice.



- 4.8 This error could easily be attributed to a simple mix-up but it does suggest the internal NWBC heritage opinion was given without undertaking a site visit or thorough examination of important viewpoints, and calls into question how an undesignated Victorian farmhouse could be described in detail in an important Board Report as a 14<sup>th</sup>-15<sup>th</sup> century timber-framed farmhouse with adjoining barn.

#### NPPF 208

- 4.9 As well as reminding local planning authorities of the need to assess the particular significance of any heritage asset that may be affected by a proposal, NPPF paragraph 208 also requires local planning authorities to take account of any necessary expertise during the decision-making process. This requirement is set out in legislation.
- 4.10 Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) relates to the need to consult/notify of Historic England in regard to development with potential to affect the significance of grade I and grade II\* listed buildings. Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 relates to a similar need to consult/notify Historic England in regard to scheduled monuments (PPG Paragraph: 065 Reference ID: 18a-065-20190723).
- 4.11 Whilst the decision as to whether or not proposed development has potential to affect highly designated heritage assets (and thereby invoke the above regulations) lies with the local planning authority, it is asserted that the decision by NWBC not to consult Historic England on this major development proposal was influenced by a flawed consideration of heritage matters earlier in the decision-making process. Proper evaluation of the appeal site and the impact on the setting of heritage assets (one that was not based on an initial intention by NWBC to grant approval) may have resulted in a different course of action being followed in regard to consultation of Historic England.
- 4.12 The Planning and Development Board Report of 8<sup>th</sup> July 2024, which recommends granting approval for the proposed development, makes no mention at all of possible impacts on heritage assets or the historic environment.



- 4.13 Consequently, the statutory duties referred to in the Planning (Listed Building and Conservation Areas) Act, 1990, and in the Ancient Monuments and Archaeological Areas Act, 1979, were not actively met by NWBC; this is reflected in the absence of heritage reasons for refusal.

#### Consideration of Setting

- 4.14 It is the opinion of the Rule 6 Party that, contrary to claims by the Appellant, the issue of setting *is* a consideration in regard to the application of the Ancient Monuments and Archaeological Areas Act, 1979 to Scheduled Monuments.
- 4.15 It is conceded that the 1979 Act does not make explicit reference to ‘setting’; this is because the Act itself predates the concept of setting in relation to heritage assets. Current subsequent planning policy and guidance makes it clear, however, that impact on an asset’s significance through harmful changes to its setting must now also be considered in terms of the 1979 Act.
- 4.16 Scheduled monuments are acknowledged in NPPF 213 as heritage assets of ‘the highest significance’. Any harm to or loss of their significance (including from development within their setting) requires clear and convincing justification and should be ‘wholly exceptional’. The Secretary of State has previously taken the view that, when considering such applications, the proper test extends beyond the physical impact of the proposed development on a monument and includes the desirability of preserving a monument’s setting, the need for which is a material consideration in determining planning applications.
- 4.17 The Rule 6 Party also asserts that, contrary to claims by the Appellant (CD12.4), the issue of setting *is* a consideration in regard to conservation areas in the terms of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act, 1990.
- 4.18 Again, while the Act itself does not explicitly refer to setting, subsequent national planning policy and guidance has established that the significance of an historic asset can be harmed or lost as a result of development within the setting of that asset (NPPF paragraph 213). Since the 1990 Act includes a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a designated area, impact on a conservation area’s significance through harmful changes to its setting must now also be considered in the application of the 1990 Act.

- 4.19 For this reason, the NPPF (paragraph 219) lends support for proposals within the setting of heritage assets that preserve those elements of a conservation area's setting that make a positive contribution to the asset. This approach is reinforced in Historic England's guidance on the setting of heritage assets (CD6.7) The importance of setting is now appreciated to such a degree that, even in regard to non-designated contexts, planning policies and decisions are expected to have regard to the desirability of maintaining an area's 'prevailing character and setting' (NPPF paragraph 129).

#### Non-Designated Heritage Assets (NDHAs)

- 4.20 There is disagreement between the Rule 6 Party and the Appellant in regard to whether or not certain features of the historic built environment should be regarded as non-designated heritage assets in the terms of NPPF. The Appellant does '*not consider identified features, routes or 'landscapes' to represent non-designated heritage assets*' (CD12.4). The Rule 6 Party maintains there is no plausible reason to disregard evident medieval and post-medieval century landscape features (such as a medieval park, remnant early field boundaries, the historic footway between Fillongley village and Chapel Green, and the early route of Meriden Road) under NPPF paragraph 216 due to lack of designation. Failure to consider these features renders the Appellant's Heritage and Archaeology Assessment inadequate, and any decision taken based on that document essentially flawed.

## 5 Planning Balance

### Weight scale

- 5.1 The NPPF uses ‘great weight’ in reference to the conservation of heritage assets (paragraph 212); the more important the asset, the greater that weight should be. The term ‘significant’ should be avoided when describing impact on the historic environment since this has a different and specific meaning in the context of heritage assets.
- 5.2 The Rule 6 Party Heritage Report (CD9.10) evaluates the impact on heritage assets arising from proposed development using industry standard methodologies set out by, *inter alia*, Historic England (CD6.37). The overall ‘significance of effect’ on any heritage asset can be evaluated taking into account the magnitude of impact and the particular sensitivity of the affected asset by using a matrix such as this. Effects that are beneficial are shown in green; neutral effects are white and adverse, or harmful, effects are shown in orange-red.

Criteria		Sensitivity/ Value				
		Neutral	Low	Medium	High	Very High
Magnitude of Impact	Major Beneficial	Slight	Slight / Moderate	Moderate / Large	Large / Very Large	Very Large
	Moderate Beneficial	Neutral / Slight	Slight	Moderate	Moderate / Large	Large
	Minor Beneficial	Neutral / Slight	Neutral / Slight	Slight	Slight / Moderate	Moderate
	Negligible	Neutral	Neutral / Slight	Neutral / Slight	Slight	Slight/Moderate
	Neutral	Neutral	Neutral	Neutral	Neutral	Neutral
	Negligible	Neutral	Neutral / Slight	Neutral / Slight	Slight	Slight/Moderate
	Minor Adverse	Neutral / Slight	Neutral / Slight	Slight	Slight / Moderate	Moderate
	Moderate Adverse	Neutral / Slight	Slight	Moderate	Moderate / Large	Large
	Major Adverse	Slight	Slight / Moderate	Moderate / Large	Large / Very Large	Very Large

*Matrix of resulting ‘significance of effect’.*

- 5.3 Harm is expressed in the NPPF in terms of ‘less than substantial harm’, or ‘substantial harm’. While the NPPF does not allow for divisions within these categories, it can sometimes be helpful to differentiate harm to heritage assets as being at the upper or lower end of substantial or less than substantial harm. Where it is deemed to assist in the Inspector’s determination of the matter do so, this has been done.

- 5.4 Slight/moderate impact has generally been taken to translate in NPPF terms to 'less than substantial harm', and large/very large impact to 'substantial harm'. Consideration has also been given using balanced judgement to impact within that translation of harm as being at the upper or lower end of those levels.
- 5.5 There is no provision in the NPPF for the description of harm to non-designated heritage assets (NDHAs) in terms of substantial or less than substantial harm. Again, in the interests of understanding and evaluating impact, where it is deemed to assist in the Inspector's determination of harm to NDHAs using these terms, this has been provided.

## 6 Impact on Heritage Assets

- 6.1 The position of the Rule 6 Party in regard to the level of harm to heritage assets threatened by the proposed development is described below.

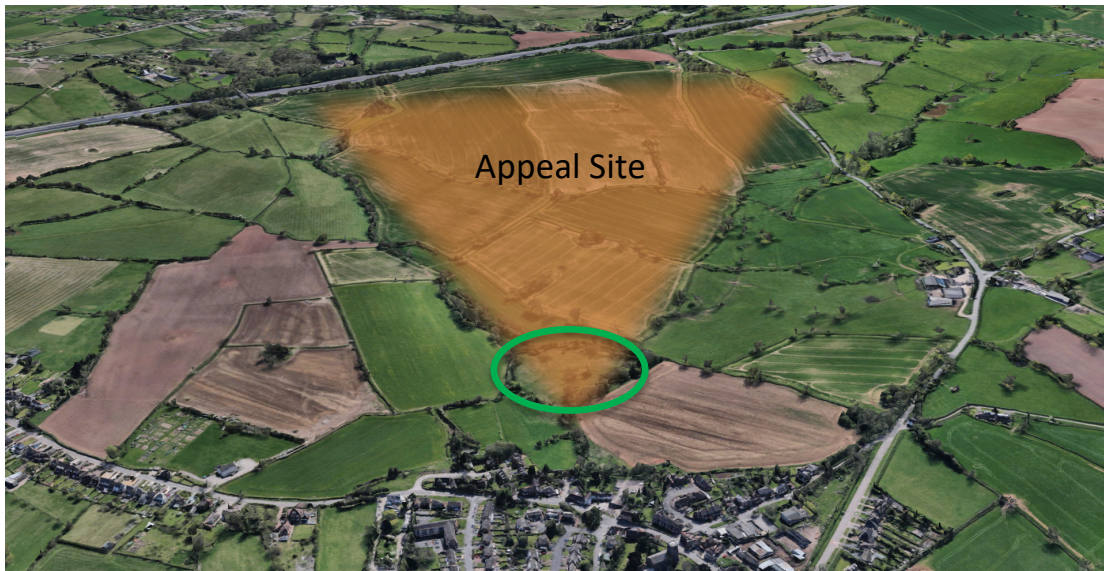
**1. Scheduled Monument** medieval 12<sup>th</sup> century ringwork and bailey known as Castle Yard List entry no.1013152.

- 6.2 Ringworks are a particularly rare class of medieval monument with only 200 examples recorded nationally. In addition to the main defensive ringwork, fewer than 60 examples also have a lightly defended outer bailey. Castle Yard is one these – and one of only two examples of this class of monument in Warwickshire. This places the Castle Yard scheduled monument in the very highest category in terms of the great weight that should be given to the asset's conservation (as required by NPPF 212).

- 6.3 The setting of any medieval castle is primarily defined by its position in relation to landscape and topography (including defensibility and water supply), by its demographic location in relation to nearby hamlets/towns/borders and trade points, and by its surroundings in terms of manorial demesne: the area over which it held political and economic control, and any associated park or estate. Castles were not only built to function practically, socially and economically within their landscape surroundings; they were also deliberately designed to visually dominate - thereby communicating a message about the owner's status and power. Landscape setting is therefore of the highest importance to the significance of these types of asset.

- 6.4 The Fillongley ringwork was constructed not on high ground or on a defensible peninsular but where 2-3 streams converged, and the watercourses could be diverted and managed to form defensive water-filled ditches. These streams are formed, and their line dictated, by the ridge of land to the south. The list entry for Castle Yard describes the landscape's watercourses in detail as fundamental to understanding how the monument functioned and why it was built in this location: *'The site occupies an area of approximately 2ha and has been constructed on an area of land which is defined by two stream channels....The streams are thought to have been diverted at the time of the castle's construction in order to form its southern outer defences. They also provided the water supply for the inner defensive ditches.'* The outer boundary of the bailey is also defined by stream ditches and a stream channel flows north/south through the central part of the bailey.

- 6.5 The visibility and legibility of the topography and watercourses in relation to the ringwork are paramount. Development that visually interrupts this landscape connection is harmful to the significance of the ringwork. The proposed solar farm would cover almost exactly the area defined by the central ridge and flanking streams that are vital to the ringwork's form and function, thereby inhibiting the ability to read and understand the setting of the defensive site.



*Medieval ringwork (circled) and relevant local topography/watercourses site (shaded orange) important to understanding form and function of the defensive.*

- 6.6 The bailey associated with Castle Yard lay on the east side of the ringwork. The relationship between the ringwork and bailey would have been introspective with limited views as the two defended areas looked inwards towards each other. The west and south-west of the ringwork was unincumbered by bailey buildings. Views from the ringwork out across the landscape in this direction would have been more open and reciprocal views of the castle from this direction would have been more impressive, i.e. there was a closer visual connection between the ringwork and the countryside to the south-west. Development in this area will have a greater impact on the principal part of the scheduled earthwork with views over this area of countryside.
- 6.7 The scale of proposed development is relevant in terms of impact on setting, with extensive development likely to have a greater harmful impact. Historic England guidance on setting states that: *'While many day-to-day cases will be concerned with development in the vicinity of an asset, development further afield may also affect significance, particularly where it is largescale, prominent or intrusive'*. This is the case with the proposed solar farm.

- 6.8 The nature of development is also relevant, with development of a type that is alien to the existing setting being most incongruous and potentially adversely affecting the character of the scheduled monument. The Arden Landscape development guidelines warn against development that ‘jars with’ its surroundings. In this case technological hardware is highly incongruous in the traditionally agrarian landscape.
- 6.9 These factors are not only important when considering intervisibility and static views but also in considering the dynamic experiential quality of the monument’s setting, in particular, the approach of the ringwork via the historic footpath to the south through the appeal site, which will be adversely altered by the proposed development.
- 6.10 The impact on the significance the scheduled medieval castle from proposed development will be indirect in terms of harmful impact on its setting and is evaluated as being harmful at the very upper end of less than substantial in NPPF terms.

## **2. Designated Conservation Area**

- 6.11 The historic core of Fillongley is designated as a conservation area. Despite being granted a charter in 1301 to hold a weekly market, Fillongley did not experience the same urban and economic growth as other market towns, instead remaining as a rural village. It was recorded as one of twenty Warwickshire settlements examined as part of the English Heritage Historic Towns Survey (project no.5922). This notes that, in keeping with the character of the wider area, the parish’s pattern of settlement beyond the village is dispersed within open countryside that forms part of the Ancient Arden landscape.
- 6.12 The character of the village itself is relatively introspective, a feature emphasised by its low-lying centre but, where visible, glimpses of surrounding countryside connect the village with its rural context. Views into and out of the settlement - particularly from paths near the medieval ringwork (which forms part of the designated area) contribute to this. The tower of the parish church, visible from local footpaths and from Meriden Road, signals the presence of the historic settlement in the Arden landscape. The NPPF and Historic England guidance are clear that historic settlements should be regarded as having a setting, and that this contributes to significance.
- 6.13 In the case of Fillongley, the surrounding landscape defines the historic development pattern in response to roads and watercourses, it defines the traditional building materials (including

timber framing and local brick) used in historic properties, it defines the feel of the village as approached from different directions as well as the sense of exposure or enclosure where the built environment gives way to open countryside. The sense of place within the village is heightened by arrival through open countryside and an abrupt transition to a built environment. The economic history of the village is to a great extent defined by the surrounding farmland and is reflected in the nature and status of the buildings within the settlement.

- 6.14 The impact on the significance of the conservation area from proposed development is expected to be indirect in terms of harmful impact on its setting. The replacement of farmed land with swathes of hardware on approach routes to the village from the south will partially sever a link between the historic village and its agrarian roots both visually and intellectually. This impact on the designated area is evaluated as being at the very upper end of less than substantial in NPPF terms.

**3. Church of St Mary and All Saints Grade II\* listed building** List entry no.1034830.

- 6.15 The Church of St Mary and All Saints has served the rural parish of Fillongley since the 12<sup>th</sup> century. It has been suggested (Historic Towns Survey CD5.18) that an even earlier church may have stood on the site of the existing structure.
- 6.16 The architectural, archaeological, artistic and historic value of the church all contribute greatly to its significance. The setting of the church is important also, not only in terms of its immediate location in Fillongley village, but also its wider rural setting.
- 6.17 In terms of function and location, the listed church has a connection to its rural parish and the numerous dispersed farmsteads within it. The seasons of the traditional agrarian landscape are closely connected with the ecclesiastical calendar; Harvest Festival celebrations at a rural church, for example, have reduced meaning if surrounding countryside that has been farmed for hundreds of years is transferred to a different use.
- 6.18 Serendipitous, rather than designed, views of a listed building can contribute to significance of the heritage asset. These viewpoints form part of the setting of the building and the views from them can be harmed by inappropriate development. This can also impact on a listed building's artistic, or aesthetic, heritage value.





*View looking north-east towards Fillongley village from Meriden Road with the tower of St Mary's and All Saints Church visible in distance. The appeal site covers ploughed fields on the right.*

- 6.19 While there will be no direct impact on the highly listed building as a result of the proposed development, the Rule 6 Party asserts that there will be indirect harmful impact on the setting of the listed building.
  
- 6.20 The appeal site forms part of the wider setting of the listed church. The proposal would alter the appearance of the landscape in which the church is experienced, from traditional rural to semi-urban, and thereby alter the perception and understanding of the church as a rural parish church.
  
- 6.21 The site also features in key views of the church from the south-west, including from Meriden Road and the public footpath through the west of the site (although setting is not predicated on public access). The introduction of solar panel hardware to this landscape will have a detrimental impact on views and on the artistic value of the grade II\* listed church. Overall, the indirect harmful impact on the setting of the grade II\* church has been evaluated as being less than substantial in NPPF terms.

#### **4. Park House Farm grade II listed buildings**

- 6.22 Park House Farm comprises a farmhouse (list entry no.1186219) dating to the early-mid 17<sup>th</sup> century, a cartshed and granary five metres to the north-east (list entry no.1034837), and a barn twenty metres to the north of the farmhouse (list entry no.1034838) all of which are grade II listed buildings.

6.23 The appeal site forms part of the landscape setting in which the barn and granary are experienced. These buildings relate to the surrounding farmland in terms of their function and their origins within that landscape. The same is true of the farmhouse, which includes a cheese room and dairy – both of which are functionally connected to the agrarian location. Whereas the agricultural buildings are relatively inward-looking, however, the farmhouse was designed with windows providing views across the surrounding fields – land which would have contributed to the wealth and social standing of its owner.

6.24 Extensive development that obscures and replaces the farming context of these listed buildings partially severs their connection to the agrarian landscape that makes sense of their origins and continued presence in this location. The proposal will be detrimental to serendipitous views of Park House Farm and designed views from the listed farmhouse, and is therefore deemed to be harmful to the significance of the listed buildings. This harm is evaluated as being less than substantial harm with a greater level of harm being caused to the farmhouse than the agricultural buildings.

**5. White House farmhouse grade II listed building (list entry no.1034868).**

6.25 For similar reasons, the impact from development on the farmhouse at White House Farm is evaluated as being less than substantial harm.

**6. Fillongley Mount grade II listed building List entry no.1299309**

6.26 Fillongley Mount lies to the north-west of the appeal site. The approach to the building is from Green End Lane on the north side of the house, but the private south-east elevation of the building provides views across the surrounding farmland.

6.27 This property is a modest country house rather than a farmhouse, i.e. any functional connection with the surrounding farmland is less obvious at Fillongley Mount, and the proposed development would only be slightly visible from the listed building. It was therefore considered during initial evaluation that the impact on this listed building would not be ‘appreciable’. For the avoidance of doubt, in the process of striving to reach agreement over as many issues as possible in the Heritage Statement of Common Ground, it was agreed by the Rule 6 Party that ‘not appreciable’ could well be interpreted as ‘at the lower end of less than substantial’ in NPPF terms.

## 7. The Ancient Arden landscape

- 6.28 The term 'ancient' has specific meaning in historic landscape terms, referring to features that pre-date the 18<sup>th</sup>- and 19<sup>th</sup> century phases of Enclosure. The area in which the appeal site lies contains remnant features of the medieval and post-medieval landscape, including a medieval deer park and fishponds associated with Castle Yard, surviving field boundaries and ridge and furrow cultivation. These features are deemed to be non-designated heritage and, as such, should be considered under paragraph 216 of the NPPF.
- 6.29 The earliest reference to Castle Yard in 1265 notes the presence of the medieval park associated with the site. This is not surprising as the relationship between high status seigniorial sites and parks is well attested in archaeological and historical records. The boundary of the park has been traced and is recorded in the Historic Environment Record as MWA13254; this feature is regarded by the Rule 6 Party Heritage Report as a non-designated heritage asset.
- 6.30 This area occupied by the medieval park still survives as open countryside and its boundary is still legible in the local lanes, field boundaries and hedgerows. Historic England guidance on setting is clear that '*Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance*'. The proposed development will cover part of the medieval park, visually divorcing it from the rest of the park area and from Castle Yard. The divided sections of solar panel arrays, new hedges and access tracks necessary to service the proposed solar farm will reduce the legibility of this element of the historic landscape.
- 6.31 The harm posed to these non-designated heritage assets by the proposed development will be a combination of direct impact (where features are removed or disturbed) and indirect impact via harm to their setting. For the most part, the impact on individual assets will be less than substantial harm caused by development obscuring or detracting from the appreciation and understanding of the assets. Cumulatively, however, the overall impact on the Ancient Arden landscape south of Fyllongley will be considerable.
- 6.32 This undesignated landscape includes an historic footpath along the west side of site between Old Fyllongley (Chapel Green) and New Fyllongley (Fyllongley village), and an historic unaltered section of Meriden Road flanking the west of site. It is perhaps from these routes (with

relatively high numbers of users) that the impact of development will be most harshly felt. This impact is underplayed by the Appellant's submitted visualisations but is demonstrated by the additional visualisations commissioned by the Parish Council (CD9.11 and 9.12).

## 7 Conclusion

- 7.1 This Proof of Evidence has set out the main concerns of the Rule 6 Party in regard to the likely impact of the proposed development on heritage assets both within the appeal site and its vicinity.
- 7.2 A thorough evaluation has been provided in NPPF terms of the level of harmful effect anticipated on each of these assets. This includes an evaluation of Manor House Farm, that was incorrectly assessed by North Warwickshire Borough Council, and a number of non-designated heritage assets that were ignored by the Appellant at application stage (Heritage & Archaeology Assessment by BWB Consulting CD1.19) and which are still ignored at appeal stage (contribution to Heritage Statement of Common Ground by the Pegasus Group CD12.4).
- 7.3 The harmful impact resulting from the proposed development is generally evaluated as being 'less than substantial' in NPPF terms, with harm to assets ranging from the lower to the very upper end of that scale. However, to take each asset individually and view the harm to them as separate is to underestimate the cumulative overall effect from development. These assets form part of a cohesive landscape – a surviving part of the Ancient Arden landscape. They are chronologically inter-connected and many form intervisible elements of the countryside.
- 7.4 While this magnitude of harmful effect is not substantial in terms of any individual heritage asset, collectively the impact on the historic environment as a whole is considerable. This point on cumulative impact is raised in the Reasons for Refusal in relation to visual and landscape issues, and states that *'The cumulative harms caused are considered to be substantial because of the development's proposed size [and] its siting on higher land'*. Probably the greatest component of this cumulative harm will be harm caused to the setting, and thereby significance, of a highly designated 12<sup>th</sup> century scheduled monument and the Fillongley Conservation Area.
- 7.5 In the case of designated heritage assets, the NPPF requires less than substantial harm to be weighed against the public benefits of the proposal. In the case of non-designated heritage assets, balanced judgement is required having regard to the scale of harm or loss and the significance of the assets.

- 7.6 While the potential public benefits of reduced carbon production are well known, these potential benefits must be weighed against any harm to the historic environment. No evaluation of other viable sites for the proposed solar farm development was included in the planning application. As such, it cannot be concluded that the same public benefits cannot be achieved elsewhere while at the same time reducing or altogether avoiding the long term, and in some cases irreversible, aggregated impact on the historic environment.
- 7.7 The conflict of the proposal against the Framework policies relating to designated and non-designated heritage assets provides a strong reason for refusing or restricting the appeal development.

## Keystone Heritage



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