

Heritage Desk-based Assessment.

Land south of Halstead Road, Eight Ash Green, Colchester.

On behalf of Bloor Homes.

Date: 06/01/2026 | Pegasus Ref: P23-1558





Document Management.

Version	Date	Author	Checked / Approved by:	Reason for revision
1	December 2025	SG	GS	-
2	January 2026	SG	CG	Client comments



Contents.

1. Introduction.....	5
2. Proposed Development.....	7
3. Methodology.....	9
4. Site Description and Planning History.....	12
5. Policy Framework.....	20
6. The Historic Environment.....	21
7. Built Heritage.....	25
8. Conclusions.....	33
Sources.....	34

Appendices contents.

Appendix 1: Gazetteer.....	37
Appendix 2: Figures.....	45
Appendix 3: Assessment Methodology.....	46
Appendix 4: Legislative Framework.....	53
Appendix 5: National Policy Guidance.....	55
Appendix 6: Relevant Development Plan Policies.....	62
Appendix 7: List Entries.....	64

Plates:

Plate 1: Site Location Plan.....	5
Plate 2: Extract from the Development Framework Plan – P23-1558_DE_001_H_002.....	8
Plate 3: Looking east along northern boundary of the Site.....	12
Plate 4: Looking southeast from northwest corner of the Site.....	13
Plate 5: Looking east from the southwestern section of the Site.....	13
Plate 6: Looking north towards Halstead Road from the middle of the Site.....	13
Plate 7: Looking east across eastern half from the middle of the Site.....	13
Plate 8: Looking west from the eastern half of the Site.....	14
Plate 9: Looking southwest from the northeastern extent of the Site.....	14
Plate 10: Looking west across the Site from the field south of the petrol station.....	14
Plate 11: 1839 Tithe Apportionments. Source: The Genealogist.....	15
Plate 12: 1881 Ordnance Survey Map.....	15
Plate 13: 1885 to 1900 Ordnance Survey Map.....	15
Plate 14: 1897 Ordnance Survey Map. Promap.....	16
Plate 15: 2000 Google Earth Pro Satellite Image.....	16
Plate 16: 2009 Google Earth Pro Satellite Image.....	17
Plate 17: 2011 Google Earth Pro Satellite Image.....	17
Plate 18: 2018 Google Earth Pro Satellite Image.....	18
Plate 19: 2025 Google Earth Pro Satellite Image.....	18
Plate 20: Malting House.....	26
Plate 21: Green Acres.....	27
Plate 22: View from southwest corner of site towards Green Acres.....	28
Plate 23: Mantills Farmhouse.....	29



Plate 24: Fiddlers Farmhouse.....31

Plate 25: Locally Listed Orchard Cottage..... 32

1. Introduction

1.1. Pegasus Group have been commissioned by Bloor Homes to prepare a Heritage Statement to consider the proposed residential development at the land south of Halstead Road, Eight Ash Green, Colchester, as shown on the Site Location Plan provided at Plate 1.

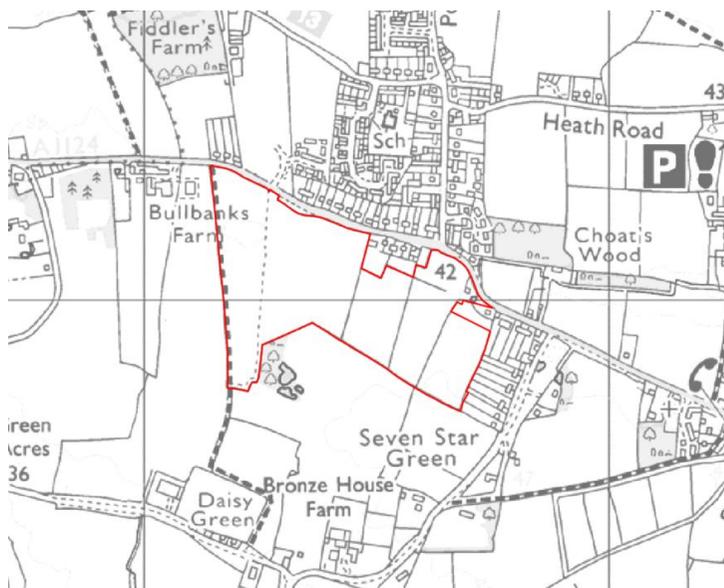


Plate 1: Site Location Plan

1.2. Eight Ash Green is a village located approximately 6km northwest of Colchester. Eight Ash Green is divided into two settlement areas north of the A12 and are separated by approximately 600m of agricultural land. Halstead

Road connects the two areas and connects to the A12, to the south, and continues to the northwest.

1.3. The site is not situated within the boundaries of a Conservation Area. No other designated heritage assets, such as listed buildings, are located within the site, however, several farms containing Grade II Listed buildings surround the site. Planning Permission is sought for the residential development of the site in line with the Framework Plan.

1.4. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 207 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

1.5. 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 212 to 215 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 Ministry of Housing, Communities & Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, December 2024), para. 207.



- 1.6. As required by paragraph 207 of the *NPPF*, the detail and assessment in this Report is considered to be "*proportionate to the assets' importance*".²

² MHCLG, *NPPF*, para. 207.

2. Proposed Development

- 2.1. The application seeks Planning Permission for a residential development (Plate 2) of approximately 250 dwellings.
- 2.2. The site comprises a single parcel of land approximately 15.96ha.
- 2.3. The developable housing area will comprise 6.95ha.
- 2.4. In addition to the core housing element, recreational pedestrian/cycle routes, community parklands, a children's play area and separate skate park, are also proposed.
- 2.5. The proposals are detailed on the following plan which forms the application package and which this assessment considers:
 - P23-1558_DE_001_H_002
- 2.6. **Section 7** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 6**.



Plate 2: Extract from the Development Framework Plan - P23-1558_DE_001_H_002

3. Methodology

3.1. The aims of this Report are to assess the significance of the heritage resource within the site/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.

3.2. This assessment considers archaeological resource and built heritage.

Sources

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

- The Colchester 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;
- Historic England's Aerial Archaeology Mapping Explorer;
- The Essex Records Office catalogue;
- Eight Ash Green Neighbourhood Plan;

- Other online resources, including Ordnance Survey Open Source data; geological data available from the British Geological Survey and Cranfield University's Soilscales Viewer; Google Earth satellite imagery; and LiDAR data from the Environment Agency.

3.4. 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**.

3.5. A review of historic aerial photographs was excluded from the scope of this assessment as detailed cropmark transcriptions were provided within the HER digital datasets and were considered reliable and sufficient for the objectives of this desk-based assessment.

3.6. Heritage assets in the wider area were assessed as deemed appropriate (see Section 7).

Site Visit

3.7. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 18th November 2025, during which the site and its surrounds were assessed.

Photographs

3.8. 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

3.9. 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*;³
- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (hereafter *GPA:2*);⁴
- *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*);⁵

- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);⁶ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁷

Consideration of Harm

3.10. 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 214 and 215 of the *NPPF*.⁸ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 216 of the *NPPF*.⁹

³ Chartered Institute for Archaeologists (ClfA), *Standard and Guidance for Historic Environment Desk-Based Assessment* (revised edition, October 2020).

⁴ 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).

⁵ Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).

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).

⁸ MHCLG, *NPPF*, paras. 214 and 215.

⁹ MHCLG, *NPPF*, para. 216.

3.11. 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

3.12. 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

¹⁰ MHCLG, *Planning Practice Guidance (PPG)*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹¹ MHCLG, *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.

4. Site Description and Planning History

Site Description

- 4.1. The north of the Site is bounded by Halstead Road where a small cluster of built form is located, partially screened by a highway verge containing mature trees and hedgerows. Agricultural land bounds the west and south sides of the site, and a small woodland area is located south of the site. Residential plots bound the east edge of the Site.
- 4.2. A footpath runs along the west boundary of the site, from Halstead Road south towards Daisy Green Road.
- 4.3. The topography of the site is relatively flat. The site is not situated within the boundaries of a Conservation Area and does not contain any known heritage assets.



Plate 3: Looking east along northern boundary of the Site.



Plate 4: Looking southeast from northwest corner of the Site.



Plate 6: Looking north towards Halstead Road from the middle of the Site.



Plate 5: Looking east from the southwestern section of the Site.



Plate 7: Looking east across eastern half from the middle of the Site.



Plate 8: Looking west from the eastern half of the Site.



Plate 10: Looking west across the Site from the field south of the petrol station.



Plate 9: Looking southwest from the northeastern extent of the Site.

Site Development / Map Regression

- 4.4. The 1839 Tithe map of Copford shows the Site as comprising open fields, most likely for agricultural purposes, with buildings in Plot 69 and Plot 59 (Plate 11)).
- 4.5. Neighbouring the site, Plot 71 was under the same ownership as Bullbank's Farm. In 1839, the plots to the west within the site boundaries (64, 66, 67, 68, 69 and 70), were owned by Fiske Goodeve Harrison and occupied by John Neep. In 1935, the ownership of all these plots had transferred to Rober John Sage Reginald.
- 4.6. The plots in the eastern extent of the Site (Plots 57-63) are recorded as owned and occupied by William Firmin and comprise arable land with a homestead in Plot 59.

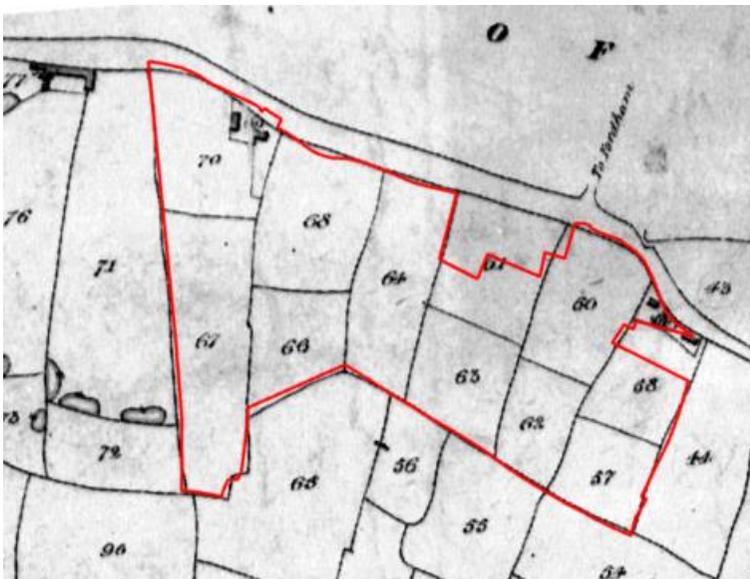


Plate 11: 1839 Tithe Apportionments. Source: *The Genealogist*.

- 4.7. Late 19th century mapping shows a similar division land parcels to the Tithe map, however the field boundaries of the middle parcels had been combined to form one field. The building and its plot previously recorded in Plot 70 is not as apparent and only one building remained. The building recorded in the eastern extent of the Site is still present. A footpath divided the site from the neighbouring agricultural fields associated with Bullbank's Farm. The landholdings of Bullbank's Farm had also expanded to include the site. The eastern half of the site was then named 'Seven Star Green' (Plate 12 and Plate 13).

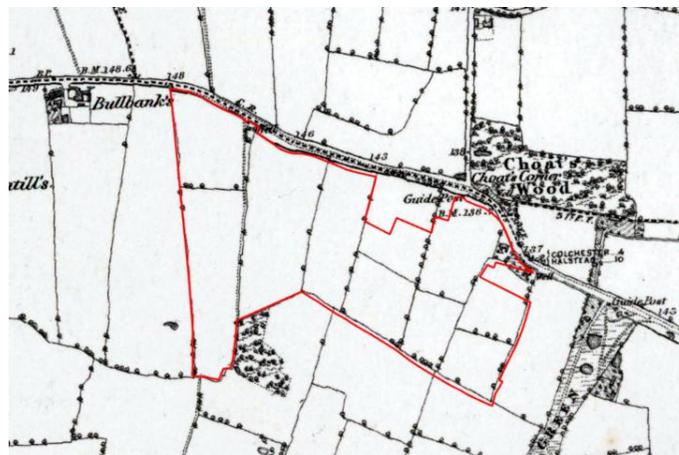


Plate 12: 1881 Ordnance Survey Map.



Plate 13: 1885 to 1900 Ordnance Survey Map.

- 4.8. The single building located in the northwestern extent of the Site had an unknown function; however, given the

location and agricultural context could potentially be an outbuilding or barn with possible associations to the near Bulbank's Farm. By 1897, the building seen in the Tithe, present at the north boundary of the site, was demolished (Plate 14).

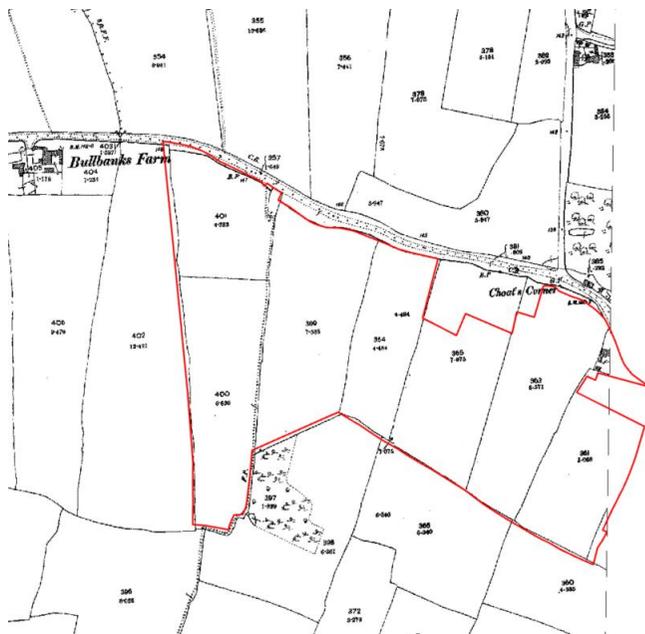


Plate 14: 1897 Ordnance Survey Map. Promap.

- 4.9. The general layout of the area remained unchanged alongside the rural character of the area, with agricultural land still utilised by the farms surrounding the site.
- 4.10. By 2000, development of houses and buildings had accelerated, with the area northeast of the site becoming more urbanised. The area south of Halstead Road had not changed to the same extent, however the removal of field boundaries can be seen, and the site continued to

comprise of open fields. Bulbank's Farm had expanded east into the field adjacent to the site, with a barn constructed northwest of the site (Plate 15).



Plate 15: 2000 Google Earth Pro Satellite Image.

- 4.11. By 2009, little change had occurred in the immediate vicinity of the site. A planning application (LPA ref. O80194) for the installation of a pipeline through the western half of the site was approved in this year, however works had not started when the satellite imagery was taken (Plate 16).



Plate 16: 2009 Google Earth Pro Satellite Image.

4.12. Plate 17 shows the works for the installation of the pipeline in 2011, with these taking place in the western half of the site and extending to the south.



Plate 17: 2011 Google Earth Pro Satellite Image.

4.13. By 2018, the works associated with the pipeline were completed and a faint scar from the installation can be seen within the site. The layout, character and use of the land has remained unchanged, and nearby farms, such as Bullbank's Farm, were still extant (Plate 18).



Plate 18: 2018 Google Earth Pro Satellite Image.

- 4.14. Plate 19 is the most recent satellite image of the site. The site remained an open field and paddock land. New residential development was emerging to the north of the site, on the opposite side of Halstead Road.



Plate 19: 2025 Google Earth Pro Satellite Image.

Planning History

- 4.15. A review of recent planning history records held online by Colchester City Council has revealed only one application which relates to the site. This relates to the construction of the pipeline as discussed above. The details of the application are as follows:

LO80194 – Construction of new Wormingford Pumping Station (WPS). New pipeline from WPS to Abberton Reservoir. Expansion of Abberton Reservoir works to BIO26. | Permitted 9th April 2009.

- 4.16. In 2019, Outline Planning Permission was granted for the residential development of land to the north of the site, on the opposite side of Halstead Road. Construction has since commenced (see **Error! Reference source not**

found.; also see **Appendix 6** for Eight Ash Green Policy Map). The details are as follows:

171529 – Land Of, Halstead Road, Eight Ash Green | Outline planning application for the development of up to 150 dwellings (including 30% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Halstead Road and Fiddlers Hill. | Approved 22nd October 2019.

- 4.17. No heritage issues relevant to the current proposals were identified as part of these applications.

5. Policy Framework

Legislation

- 5.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.¹³
- 5.2. 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
- 5.3. Full details of the relevant legislation are provided in **Appendix 4**.

National Planning Policy Guidance

- 5.4. 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 December 2024. 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

- 5.5. Full details of the relevant national policy guidance are provided within **Appendix 4**.

The Development Plan

- 5.6. Applications for Planning Permission are currently considered against the policy and guidance set out within the Colchester City Council Local Plan 2017–2033 (adopted July 2022) and Eight Ash Green Neighbourhood Plan (November 2019).
- 5.7. The Local Plan acknowledges the balance of historic significance and public benefit in line with the NPPF, thus more weight can be afforded to these policies.
- 5.8. The Neighbourhood Plan does not acknowledge the balance of historic significance and public benefit in line with the NPPF, thus less weight can be afforded to these policies.
- 5.9. Details of the policy specific relevant to the application proposals are provided within **Appendix 6**.

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 Ministry of Housing, Communities & Local Government (MHCLG), *Planning Practice Guidance: Historic Environment* (PPG) (revised edition, 14th February 2024), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹⁶ Ministry of Housing, Communities & Local Government (MHCLG), *National Design Guide* (London, January 2021).

6. The Historic Environment

6.1. 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.

6.2. Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix ECC and HER 'monument' numbers have the prefix MCC.

6.3. A gazetteer of relevant heritage data is included as Appendix 2. Designated and non-designated heritage assets and HER records are illustrated on Figures 1 – 4 in Appendix 2.

Topography and Geology

6.4. The site is relatively flat and is around c.40m OD.

6.5. Bedrock geology across the site is mapped as London Clay Formation – Clay, silt and sand. This sedimentary bedrock formed between 56 and 47.8 million years ago during the Palaeogene period.

6.6. Superficial deposits are mapped as Cover Sand – Clay, silt and sand. Sedimentary superficial deposits were formed between 2.588 million years ago and the present during the Quaternary period.¹⁷

6.7. The recorded soils within the site area are described as slightly acid loamy and clayey soils with impeded drainage.¹⁸

Previous Archaeological Works

6.8. No previous archaeological works are recorded as having been undertaken within the site. The majority of 'events' are recorded north of the Site within the wider study area. These include:

- Watching brief was conducted in 2010 during the construction of a water pipeline, c.730m east of the Site (ECC4012);
- Watching brief conducted at Orchard Cottage, Seven Star Green, c.180m east of the Site (ECC4822);
- Watching brief conducted at Mantells Farmhouse, Foxes Lane in 2020, c.415m west of the Site (ECC4774);
- Watching brief conducted at 6 Heath Cottages, Heath Road in 2018, c.400m north of the Site (ECC4258);
- Watching brief in 2017–18 and desk-based assessment in 2017 at Mill House, Fordham,

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/>.

- c.980m northwest of the Site (ECC3982, ECC3967);
- Desk-based assessment at Stane Park in 2000, c.950m southeast of the Site (ECC3705);
- Desk-based assessment for land around Wyvern Farm, Stanway in 2008, c.940m southeast of the Site (ECC3584);
- Desk-based assessment for Mantells Farmhouse, Foxes Lane in 2020, c.415m west of the Site (ECC4519);
- Desk-based assessment in 2017 and trial trenching evaluation in 2020 for land north of Halstead Road, Eight Ash Green, c.170m north of the Site (ECC4071, ECC4569);
- Trial trenched evaluation, Site 2 Abberton to Woringford Pipeline in 20210, c.670m north of the Site (ECC3661);
- Trial trenched evaluation at Site 3 Abberton to Woringford Pipeline in 2010, c.920m south of the Site (ECC3662);
- Trial trenched evaluation at land between 1-3 Halfmoon Farm & Byways Cottage, Huxtables Lane, c.700m east of the Site (ECC4594);
- Trial trenched evaluation at Kingsdown, Green Lane, Aldham in 2019, c.710m west of the Site (ECC4295);
- Excavation at Halstead Road in 2021, c.100m north of the Site (ECC4675);
- Building Survey at Green Acres, Eight Ash Green in 2018, c.550m southwest of the Site (ECC4413);
- Building Survey at Orchard Cottage, Seven Star Green, c.180m east of the Site (ECC4433);
- Building Survey at land between 1-3 Halfmoon Farm & Byways Cottage, Huxtables Lane, c.700m east of the Site (ECC4593);
- Desk based assessment and geophysical survey in 2017, trial trenching evaluation in 2020 were all conducted at the land north of Halstead Road, Eight Ash Green, c.20m north of the Site (ECC4071, ECC4051, ECC4569);
- Geophysical survey and built heritage assessment of Land at Eight Ash Green, Colchester in 2017, c.175m north of the Site (ECC4051, ECC4069);
- Geophysical survey of land north of Halstead Road, Eight Ash Green, c.315m northwest of the Site (ECC4868);
- Geophysical surveys along the route of the Norwich to Tilbury Project, c.810m northwest of the Site (ECC4868, ECC4876);
- a geophysical survey in 2017, trial trenching evaluation in 2020, excavation in 2021 and an archaeological desk-based assessment in 2017

occurred within the land north of Halstead Road, opposite the site.

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

Archaeological Baseline

Prehistoric (pre-43 AD)

- 6.10. The research framework for the East of England states that recorded heritage from the Palaeolithic and Mesolithic in the region is sparse, with finds generally being found within river valleys and terraces.
- 6.11. No prehistoric archaeology is recorded within the site. Only one prehistoric 'monument' is recorded in the wider study area comprising a neolithic polished handaxe c. 980m east of site (MCC7585). Therefore, the potential for prehistoric archaeological finds within the site is low.

Late Iron Age (c.125 BC – AD 43) to Romano-British (AD 43 – 410)

- 6.12. The East of England research framework identifies a change in settlement pattern within the late Iron Age and Roman periods, with a decline in the number of settlements and cemeteries.
- 6.13. No Romano-British archaeology is recorded within the site. Only along the boundary of the wider 1km study area is a Romano-British Portable Antiquities Scheme recorded (MCC6708). Therefore, the potential for Romano-British archaeological finds within the site is low.

Medieval (1066 – 1539)

- 6.14. The research framework for the East of England identifies that within Essex the historic settlement pattern was made up of hall- and-church complexes often with a suggested Late Saxon origin; a high incidence of dispersed farmsteads of medieval origin, many of them moated; and settlements arranged around the edges of common pastures.
- 6.15. The site contains no medieval archaeology however there is medieval archaeology in the wider 1km study area.
- 6.16. The HER data records medieval common land south and east of the site. Green Acres also contains two medieval barns within its curtilage c. 550m southwest of site (MCC10386). It was likely the surrounding areas of the site were in agricultural use during the medieval period, signified by the medieval moat on the southern boundary of the 1km study area and presence of a medieval flour mill to the north of the boundary.
- 6.17. A Portable Antiquities Scheme findspot was identified as an undefined medieval find, c. 25m north of the site, north of Halstead Road (MCC6051). Most medieval 'monuments' in the HER data relate to buildings and land areas, with few indicating findspots which are located north of the site, therefore the potential for medieval archaeological finds within the site is low.

Post-medieval (1540 – 1750) to Modern

- 6.18. No post-medieval or modern archaeology is recorded within the Site which is likely to have been in agricultural use throughout these periods.

6.19. The Essex HER data shows that within the wider 1km study area, post medieval and World War II archaeology is present. The majority of post medieval archaeology is built heritage, for example a brewery, toll house, coach house and barns. A milestone is recorded abutting the northeastern corner of the site along Halstead Road (MCC5019). World War II archaeology is mainly concentrated in the northwest of the study area, away from the site.

6.20. Historic maps, specifically, the Tithe Map of 1839, shows two clusters of buildings within the northern boundary of the Site. These comprise small dwellings with outbuildings. None of the buildings appear to be extant, but there is potential for buried remains of their footings, as well as structural and domestic debris. Such remains are anticipated to comprise only non-designated heritage assets of local significance and as such would not warrant preservation in situ.

Undated

6.21. There are a small number of undated archaeological features within the vicinity of the site. These comprise of a watermill c. 980m northwest of site (MCC4079) on the northern boundary of the 1km study area and cropmarks within northern, eastern and southern parts of the study area.

6.22. Many of these cropmarks are described as linear features. North of Halstead Road, cropmarks revealed a rectangular enclosure, pit and ring ditch c. 165m north of

site (MCC7761). Most of the pits found indicated agricultural activity within the vicinity of the site.

6.23. An unknown monument is recorded within the HER as a cropmark or a track/road along Porter's Lane c. 660m north of site (MCC5720) which is north of the site.

Statement of Archaeological Potential and Significance

6.24. The Colchester HER data does not record any archaeological remains or 'monuments' within the site, and no confirmed archaeology from the prehistoric or Romano-British periods is recorded within the Site or its immediate vicinity. The Site is considered to have low potential for significant archaeological remains from these periods. Only medieval to modern archaeology has been recorded within the vicinity of the site. Following the analysis above, the potential to find archaeology from these periods within the site considered to be low.

6.25. Potential archaeological remains of the two buildings along the northern boundary of the Site shown on the Tithe map are considered to be of low archaeological significance.

Designated Heritage Assets

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

7. Built Heritage

- 7.1. The following Section provides an assessment of elements of the built historic environment that have the potential to be impacted upon by the proposed development.
- 7.2. 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
- 7.3. 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.
- 7.4. 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.
- 7.5. Assets in the vicinity identified for further assessment on the basis of proximity comprise:
- Grade II Listed Malting House (NHLE 1239711)
 - Grade II Listed Green Acres (NHLE 1239672)

- Grade II Listed Mantills Farmhouse (NHLE 1239708)
- Grade II Listed Fiddlers Farmhouse (NHLE 1273588)
- Locally Listed Orchard Cottage (DCC26133)

7.6. With regard to other heritage assets in the vicinity of the site, assessment has concluded that the site does not form any part of setting that positively contributes to overall heritage significance due the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a change that would impact upon the overall heritage significance of these assets. Other heritage assets have therefore been excluded from further assessment within this Report.

Malting House

7.7. The Malting House was added to the National List at Grade II on 27th January 1982 (NHLE 1239711). The List Entry describes the building as follows:

"EIGHT ASH GREEN FOXES LANE 1. 5214 Mantills Farmhouse TL 92 NW 7/67 GV II 2. C17 house. Timber framed and plastered on an L-plan. Weatherboarded on south east gable. Of 2 storeys with a wing of one storey and attics extending to south-east. Roofs ridged and gabled pegtiled, with red brick concertina chimney-stack on 2 storey range and C18 square red

¹⁹ Historic England, *GPA:3*, p. 4.

brick chimney on extension wing. One gabled dormer window. Most windows are modern casements."

- 7.8. A full copy of the List Entry is included at **Appendix 7**.
- 7.9. The Malting House is located east of Seven Star Green and c. 160m southeast of the site, from the eastern boundary. The principal elevation is orientated to the west, fronting onto Turkey Cock Lane. The house is set back from the road with a front garden and surrounded by mature trees and landscaped hedgerows. Woodland is west of the Malting House and to the south is a public footpath in an east-west direction.
- 7.10. To the west of Turkey Cock Lane are mature trees which screen the view of the Malting House and Turkey Cock Lane from Seven Star Green, as well as filtering the views of the wider landscape to the west. Therefore, the Malting House is best appreciated from within its plot.



Plate 20: Malting House.

Statement of Significance

- 7.11. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the NPPF.
- 7.12. The heritage significance of Malting House is principally embodied in its physical fabric which is of special architectural and historic interest as an example of an 18th-century red brick fronted house.
- 7.13. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its 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 associated garden plot and curtilage;
 - Heavily planted perimeter of its plot, which gives the dwelling a sense of seclusion and separation from the surrounding landscape; and
 - The lane to the west from which the house is approached and from which its principal elevation appears to have been designed to be admired.

Impact Assessment

- 7.14. There is no known historical or functional association between the land within the site and Malting House.
- 7.15. The site is far-removed from Malting House, being located distantly to the north-west, and there is no

intervisibility between the two. The site and Malting House are screened from one another by mature trees and hedgerows.

- 7.16. The Site could therefore be developed in line with the Framework Plan and cause no harm to the asset in terms of change to its setting

Green Acres

- 7.17. Green Acres was added to the National List at Grade II on 27th January 1982 (NHLE 1239672). The List Entry describes the building as follows:

" EIGHT ASH GREEN FOXES LANE 1. 5124 Green Acres TL 92 NW 7/68 II 2. C16 house, on L-plan. Timber framed plastered with exposed studs and no external bracing. Crosswing of 2 bays, with hipped roof, gabled, and one gabled dormer in the return, all pegtiled. A small red brick chimney stack on wing roof and a large one against end gable at the hall-range. Ground storey windows mixed and modern. Most existing windows leaded casements, roofs side-purlin. Brick extension on hall-end."

- 7.18. A full copy of the List Entry is included at **Appendix 7**.
- 7.19. Green Acres is located on Foxes Lane and is c. 575m southwest of the site. The principal elevation faces south, away from the site. It has two farm buildings within its curtilage that date to the mid-19th century and has designed views over a garden area to the south with ponds.
- 7.20. Public access routes are to the south of Green Acres and further west of the building. The property itself is set back

from the road with a gated and fenced entrance, to the east. The placement of outbuildings gives only a glimpsed view out to land to the east, and Green Acres has no windows at a high level on its eastern elevation.

- 7.21. The 1898 tithe map shows that in 1839 the landholder Thomas Birch Western owned the parcels of land containing Green Acres and wider fields northwest of Foxes Lane and Chippetts Lane. He also owned the field southeast of Green Acres, south of Daisy Green Road. The use of this associated land could be assumed to be agricultural, given the historic context of the area and associated mid-19th century farm buildings.
- 7.22. Green Acres is best appreciated from within its curtilage and viewed in the north direction, as the principal elevation is south facing.



Plate 21: Green Acres.



Plate 22: View from southwest corner of site towards Green Acres.

Statement of Significance

- 7.23. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the *NPPF*.
- 7.24. The heritage significance of Green Acres is principally embodied in its physical fabric which is of special architectural and historic interest as an example of a timber-framed house which is dated to the 16th century by the listing but is thought to integrate earlier fabric dating to the late 14th/ early 15th century, following a heritage assessment in 2018.
- 7.25. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its

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:

- Associated curtilage, including farm buildings;
- Associated landscaped garden and lake, south of principal elevation;
- Enclosed plot by mature trees and hedgerows, particularly to south; and
- The adjacent lanes from which the asset is approached and can be publicly seen and admired.

Impact Assessment

- 7.26. There is no known historical or functional association between the land within the site and Green Acres.
- 7.27. There is no intervisibility between the site and Green Acres, as demonstrated by Plate 22. There are no views from the asset to the site due to lack of fenestration at the upper levels and walls and outbuildings at lower levels, and its principal elevation is orientated towards the south, away from the site. Therefore, the site is not considered to contribute to the heritage significance of the asset through setting.
- 7.28. The site could therefore be developed in line with the Framework Plan and cause no harm to the asset in terms of change to its setting.

Mantills Farmhouse

- 7.29. Mantills Farmhouse was added to the National List at Grade II on 27th January 1982 (NHLE 1239708). The List Entry describes the building as follows:

"EIGHT ASH GREEN FOXES LANE 1. 5214 Mantills Farmhouse TL 92 NW 7/67 GV II 2. C17 house. Timber framed and plastered on an L-plan. Weatherboarded on south east gable. Of 2 storeys with a wing of one storey and attics extending to south-east. Roofs ridged and gabled pegtiled, with red brick concertina chimney-stack on 2 storey range and C18 square red brick chimney on extension wing. One gabled dormer window. Most windows are modern casements."

- 7.30. A full copy of the List Entry is included at **Appendix 7**.
- 7.31. Mantills Farmhouse is located on Foxes Lane and c. 400m from the western border of the site. The farmhouse is enclosed by walls and mature vegetation and is set back from the road, which is bounded to the east by mature vegetation. The house is orientated to face east, however the viewshed is foreshortened by mature hedgerows and trees on the east and west side of Foxes Lane.
- 7.32. The principal east elevation of the house is best appreciated within the grounds of the property as it is largely screened and only glimpsed from Foxes Lane.



Plate 23: Mantills Farmhouse.

Statement of Significance

- 7.33. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the *NPPF*.
- 7.34. The heritage significance of Mantills Farmhouse is principally embodied in its physical fabric which is of special architectural and historic interest as an example of a farmhouse which was constructed during the 17th century.
- 7.35. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its 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 associated garden plot and woodland enclosing the farmhouse;
- Foxes Lane, from which the asset is approached and can be publicly glimpsed; and
- Surrounding agricultural land in proximity to the asset, specifically that which was historically associated and can be experienced in conjunction with the farmhouse in a manner that enables its historic rural surrounds and context to be understood.

Impact Assessment

- 7.36. There is no known historical or functional association between the land within the site and Mantills Farmhouse.
- 7.37. The site is not visible from the vicinity of the farmhouse due to the vegetation to the east which screens and separates the property from the site. There is no other intervisibility between the site and Mantills House. The site is not considered to contribute to the heritage significance of the asset through setting.
- 7.38. The site could therefore be developed in line with the Framework Plan and cause no harm to the asset in terms of change to its setting.

Fiddlers Farmhouse

- 7.39. Fiddlers Farmhouse was added to the National List at Grade II on 27TH January 1982 (NHLE 1273588). The List Entry describes the building as follows:

“EIGHT ASH GREEN FIDDLERS HILL 1. 5214 Fiddlers Farmhouse TL 92 NW 7/65 II 2. Circa 1900. Timber framed and plastered 2 bay range of one storey and attics, with central chimney bay and tapered red brick chimney stack. Roof ridged and gabled, pegtiled. One flat topped dormer on east slope; above door on ground storey which has 6 fielded panels 2 leaded casements on first storey and a leaded casement to left and right of door. A short range of one storey extends length to north east with 3 modern leaded casements – with pegtiled ridge and gable roof. Extended further to north east, by a plastered brick and timber range of one bay with matching pegtiled roof and modern chimney centrally and a set of 3 leaded casements. Plaster medallion with date ‘1700’ over entrance door.”

- 7.40. A full copy of the List Entry is included at **Appendix 7**.
- 7.41. The farmhouse lies within the associated Fiddler’s Farm and fronts onto Fiddlers Hill, c. 335m from the northwest corner of the site. The Grade II Listed House can be seen from the road and public footpaths. Opposite Bulbanks Farm, on the north side of Halstead Road is a public footpath which leads north towards Fiddler’s Wood and another public footpath that leads east to Fiddlers Hill and through Fiddlers Farm.
- 7.42. South of the farm is outbuildings and modern residential development. Construction of a new residential

development is currently underway, south of Fiddler's Wood.



Plate 24: Fiddlers Farmhouse.

7.43. The principal elevation of the farmhouse faces north and is best appreciated when approaching the farmhouse along the footpath within the farm and from Fiddlers Hill along the bend where it is located.

Statement of Significance

7.44. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the *NPPF*.²⁰

7.45. The heritage significance of Fiddlers Farmhouse is principally embodied in its physical fabric which is of special architectural and historic interest as an example of a farmhouse which was constructed during the late 17th century to early 18th century.

7.46. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its 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 associated garden plot and farmyard complex;
- Views north of rural land beyond Fiddlers Hill;
- The lane (Fiddlers Hill) and footpath from which the farmhouse can be approached and best publicly appreciated; and

7.47. Immediately adjacent agricultural land in the proximity of the assets, and which is intervisible, which allows the historic interest of the farmstead to be appreciated and the historic rural setting of the farmhouse to be understood.

Impact Assessment

7.48. There is no known historical or functional association between the land within the site and Fiddlers Farmhouse.

²⁰ DLUHC, *NPPF*, para. 200.

- 7.49. The principal elevation of the farmhouse faces away from the site and is best appreciated when approaching the farmhouse along the footpath within the farm and from Fiddlers Hill along the bend where it is located.
- 7.50. The site is not visible from the vicinity of the farmhouse or farm due to the presence of intervening woodland along the public footpath leading to Fiddlers Farmhouse and the mature hedgerows and trees that screen Fiddlers Hill. The emerging residential development to the south of Fiddlers Farmhouse has introduced further physical and visual separation between the farmhouse and the site.
- 7.51. The site could therefore be developed in line with the Framework Plan and cause no harm to the asset in terms of change to its setting.

Locally Listed Orchard Cottage

- 7.52. Orchard Cottage is a locally listed building on the Colchester Heritage Explorer (DCC26133) and located on the east side of Turkey Cock Lane and south of Halstead Road. It is also located c. 180m east of the site.
- 7.53. The building is one-and-a-half-storey, timber-framed dwelling, thought to date from between the 15th and 17th centuries. The HER data describes it as a potential small hall house and it is setback from the road with generous green space and mature trees screening the west boundary of the plot. East of the cottage is woodlands and west of the cottage on the west side of Turkey Cock Lane is a parade of one and two storey houses, facing east.
- 7.54. There is no known historical or functional association between the land within the site and Orchard Cottage.

The 1898 Tithe maps show the Late Henry Skingle was the landowner of the parcel containing the Orchard Cottage in 1839, including the land parcels bordering west of Turkey Cock Lane and north of the junction where Halstead Road meets. The field parcels east of Orchard Cottage were also owned by him, demonstrating the extent of the landholding. However, this association does not extend to the site and there is no intervisibility between the site and the Orchard Cottage. Therefore, the site does not contribute to the heritage significance of the asset through setting.

- 7.55. The site could therefore be developed in line with the Framework Plan and cause no harm to the asset in terms of change to its setting.



Plate 25: Locally Listed Orchard Cottage.

8. Conclusions

- 8.1. Pegasus Group have been commissioned by Bloor Homes to prepare a Heritage Statement to consider the proposed residential development at the land south of Halstead Road, Eight Ash Green, Colchester.
- 8.2. The land the site occupies is within the rural area of Eight Ash Green and between the two settlement areas. The site has remained undeveloped and has historically been rural as far back as the Tithe maps.
- 8.3. The site is not within the boundaries of a conservation area and it does not contain any other designated heritage assets.
- 8.4. The following built heritage assets have been taken forward for further setting assessment:
- Grade II Listed Malting House
 - Grade II Listed Green Acres
 - Grade II Listed Mantills Farmhouse,
 - Grade II Listed Fiddlers Farmhouse; and
 - Locally Listed Orchard Cottage.
- 8.5. The site makes no contribution to the significance of each asset through setting and no harm is anticipated to their heritage significance from the proposed development. Thus, it has been concluded that the site could be developed in accordance with the Framework Plan and cause no harm to their significance.
- 8.6. The Essex HER data did not show any records of archaeology within the site, and no confirmed archaeology from the prehistoric or Romano-British periods is recorded within the Site or its immediate vicinity.
- 8.7. The potential two clusters of outbuildings or barns present along the northern site boundary of the site, as depicted on the early Tithe map could potentially have remnants still present within the site, however any remaining archaeology from this would be of low significance at most.
- 8.8. The Site is considered to have low potential for significant archaeological remains from these periods. Only medieval to modern archaeology was within the vicinity of the site. Following the analysis above, the potential to find archaeology from these periods within the site is low and any archaeology found would be of low significance.

Sources

Legislation
UK Public General Acts, Ancient Monuments and Archaeological Areas Act 1979.
UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
UK Public General Acts, Planning and Compulsory Purchase Act 2004.
UK Public General Acts, Town and Country Planning Act 1990.

Policy and Guidance
Chartered Institute for Archaeologists (CIfA), <i>Standard and Guidance for Historic Environment Desk-Based Assessment</i> (revised edition, October 2020).
Ministry of Housing, Communities & Local Government (MHCLG), <i>National Planning Policy Framework (NPPF)</i> (London, December 2024).
Ministry of Housing, Communities & Local Government (MHCLG), <i>Planning Practice Guidance (PPG)</i> (revised February 2024).
English Heritage, <i>Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment</i> (London, April 2008).
Historic England, <i>Conservation Area Appraisal, Designation and Management, Historic England Advice Note 1</i> (2 nd edition, Swindon, February 2019).

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

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

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

Court and Appeal Decisions

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

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

Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697.

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	
1839	Tithe Map of Copford
1881	Ordnance Survey Map
1885-1900	Ordnance Survey Map
1897	Ordnance Survey Map
2000	Google Earth Pro
2009	Google Earth Pro
2011	Google Earth Pro
2018	Google Earth Pro
2025	Google Earth Pro

Appendix 1: Gazetteer

Heritage Data

HER Event Data

Ev UID	Name	Event Type
ECC2863	Archaeological Desk Based Assessment for Land at Wyvern Farm, Stanway, near Colchester, Essex	EVP
ECC3584	Desk-based assessment for land around Wyvern Farm, Stanway, 2008	EVP
ECC3661	Trial trenched evaluation, Site 2 Abberton to Wormingford Pipeline, Fordham	EVT
ECC3662	Trial trenched evaluation, Site 3 Abberton to Wormingford Pipeline, Stanway	EVT
ECC3705	A desk-based assessment of the archaeological remains at Stane Park, Stanway, 2000	EVP
ECC3967	Heritage Desk-based Assessment of Mill House, Fordham, 2017	EVP
ECC4012	Watching brief on land east and south of Eight Ash Green, 2010	EVT
ECC4051	Geophysical survey on Land at Eight Ash Green, Colchester, 2017	EVS
ECC4069	Built heritage assessment of land north of Halstead Road, Eight Ash Green, 2017	EVP
ECC4071	Archaeological desk-based assessment of land north of Halstead Road, Eight Ash Green, 2017	EVP
ECC3982	Archaeological monitoring and recording at Mill House, Fordham, 2017-18	EVT
ECC4258	Archaeological monitoring and recording at 6 Heath Cottages, Heath Road, Fordham, 2018	EVT



ECC4295	Archaeological trial-trenched evaluation at Kingsdown, Green Lane, Aldham, 2019	EVT
ECC4413	Historic Building Assessment of farm buildings at Green Acres, Eight Ash Green, 2018	FSR
ECC4433	Historic Building Recording at Orchard Cottage, Seven Star Green, Eight Ash Green, 2020	FSR
ECC4312	Archaeological trial-trenched evaluation on land at Wyvern Farm, London Road, Stanway, 2019	EVT
ECC4275	Geophysical survey on land at Wyvern Farm, Stanway, 2018	FSR
ECC4519	Heritage Impact Assessment for Mantells Farmhouse, Foxes Lane, Eight Ash Green, 2020	EVP
ECC4569	Trial trenching evaluation at Halstead Road, Eight Ash Green, 2020.	AI
ECC4594	EValuation on land between 1-3 Halfmoon Farm & Byways Cottage, Huxtables Lane, Fordham Heath, Colchester	EVT
ECC4593	HBR on land between 1-3 Halfmoon Farm & Byways Cottage, Huxtables Lane, Fordham Heath, Colchester	EVS
ECC4675	Excavation at Halstead Road, Eight Ash Green, 2021	AI
ECC4774	Archaeological monitoring at Mantells Farmhouse, Foxes Lane, Eight Ash Green, 2023	EVT
ECC4822	Archaeological monitoring at Orchard Cottage, Seven Star Green, Colchester	EVT
ECC4822	Archaeological monitoring at Orchard Cottage, Seven Star Green, Colchester	EVT
ECC4868	Geophysical survey of land north of Halstead Road, Eight Ash Green	EVT



HER Monument Data

Mon UID	Pref Ref	Name	Mon Type	Period
MCC10078	12186	Seven Star Green, Turkey Cock Lane, Eight Ash Green	MON	Medieval
MCC10105	12232	Daisy Green, Daisy Green Road, Eight Ash Green	MON	Medieval
MCC10386	12672	Farm buildings at Green Acres, Foxes Lane, Eight Ash Green	BLD	Post Medieval Colchester 2 to Unknown
MCC10404	12728	Orchard Cottage, Seven Star Green, Eight Ash Green	BLD	Medieval Colchester I. to Post Medieval Colchester 2
MCC3701	4545	Old Hill House, Ford Street Hill, Aldham	BLD	Medieval Colchester II.
MCC3702	4546	Green Farmhouse, Green Lane, Aldham	BLD	Post Medieval Colchester 2
MCC4020	4724	Chippetts Farmhouse, Chippetts Lane, Eight Ash Green	BLD	Post Medieval Colchester 1
MCC4021	4725	Abbotts Hall, Chippetts Lane, Eight Ash Green	BLD	Medieval Colchester II.
MCC4022	4726	Fiddlers Farmhouse, Fiddlers Hill, Eight Ash Green	BLD	Post Medieval Colchester 1 to Post Medieval Colchester 2
MCC4023	4727	Green Acres, Foxes Lane, Eight Ash Green	BLD	Medieval Colchester II.
MCC4024	4728	Mantills Farmhouse, Foxes Lane, Eight Ash Green	BLD	Post Medieval Colchester 1

MCC4025	4729	Bakery Cottage, Halstead Road, Eight Ash Green	BLD	Post Medieval Colchester 1
MCC4027	4731	Little Porters, Porters Lane, Eight Ash Green	BLD	Post Medieval Colchester 1
MCC4028	4732	Malting House, Seven Star Green, Eight Ash Green	BLD	Post Medieval Colchester 1 to Post Medieval Colchester 2
MCC4030	4734	Lampitts Farmhouse, Turkey Cock Lane, Eight Ash Green	BLD	Medieval Colchester II. to Post Medieval Colchester 1
MCC4031	4735	Coach House, Turkey Cock Lane, Eight Ash Green	BLD	Post Medieval Colchester 1 to Post Medieval Colchester 2
MCC4079	7922	Site Of Lower Mill, River Colne	MON	Undated
MCC4737	5328	Undated cropmarks, Thurgoods Farm, Eight Ash Green	MON	Undated
MCC4782	4121	WWII Pillbox, Great Porters Farm, Fordham Heath, Eight Ash Green	MON	World War 2
MCC4784	4123	WWII Pillbox, Fordham Bridge, Aldham	MON	World War 2
MCC4785	4124	WWII Pillbox, field junction south of Fordham Bridge, Aldham	MON	World War 2
MCC4787	4126	WWII Pillbox, east of Ford Street Hill, Aldham	MON	World War 2
MCC5006	5461	WWII Spigot Mortar Emplacement, East of Fordham Bridge	MON	World War 2

MCC5007	5462	WWII Anti-Tank Rails, Fordham Bridge, Eight Ash Green	MON	World War 2
MCC5007	5463	WWII Anti-Tank Rails, Fordham Bridge, Eight Ash Green	MON	World War 2
MCC5008	5464	WWII Road Barrier (destroyed), Fordham Bridge, Eight Ash Green	MON	World War 2
MCC5009	5465	WWII Pillbox (destroyed), NW corner of Fiddler's Wood, Fordham Bridge, Eight Ash Green	MON	World War 2
MCC5010	5466	WWII Spigot Mortar Emplacement, west of Fordham Bridge	MON	World War 2
MCC5019	5476	Milestone, Milestone Farm, Halstead Road, Eight Ash Green	MON	Post Medieval Colchester 2
MCC5157	5392	Toll House Cottage, Fordstreet Hill, Gallows Green, Aldham	BLD	Post Medieval Colchester 2
MCC5158	5393	Brewery, Huxtable Lane, Fordham Heath	IND	Post Medieval Colchester 2 to Edwardian
MCC5518	8054	WWII Ammunition Shelter, Fiddlers Wood, Fordham Bridge	MON	World War 2
MCC5720	8275	Porter's Lane	MON	Unknown
MCC6051	8623	A Portable Antiquities Scheme findspot of Medieval date.	PAS	Medieval Colchester II.
MCC6215	8774	A Portable Antiquities Scheme findspot of Medieval to Post Medieval date.	PAS	Medieval Colchester I. to Post Medieval Colchester 2

MCC6380	8954	A Portable Antiquities Scheme findspot of Medieval to Post Medieval date.	PAS	Medieval Colchester II. to Post Medieval Colchester 1
MCC6516	9101	A Portable Antiquities Scheme findspot of Medieval to Post Medieval date.	PAS	Medieval Colchester II. to Post Medieval Colchester 2
MCC6708	9293	A Portable Antiquities Scheme findspot of Roman date.	PAS	Late Roman Colonia
MCC7516	6755	Moat Farm	MON	Medieval
MCC7584	6336	Undated cropmarks, South of White House Farm, Eight Ash Green	MON	Undated
MCC7585	6337	Neolithic find spot, South of White House Farm, Eight Ash Green	FS	Early Neolithic to Early Bronze Age
MCC7621	6807	Undated masonry foundations, south of Newlands Farm, Eight Ash Green	MON	Undated
MCC7704	6832	West of Great Porters Farm	MON	Undated
MCC7711	6838	East of Fordstreet	MON	Undated
MCC7716	6843	Undated cropmarks, north of Wyvern Farm, Stanway	MON	Undated
MCC7723	6355	Cropmarks west of Fordham Heath	MON	Undated
MCC7730	6855	Near Fiddlers Wood	MON	Undated
MCC7743	6374	West of Great Porters Farm	MON	Undated

MCC7761	6870	Cropmarks, North side of Bullbanks Farm, Eight Ash Green	MON	Undated
MCC7762	6871	West of Fordham Bridge	MON	Undated
MCC7776	7473	Undated cropmarks south-east of Thurgoods Farm, Daisy Green	MON	Undated
MCC7777	6883	Undated cropmarks, west of Heathside Farm, Eight Ash Green	MON	Undated
MCC8237	6674	Mill (site of), near Fordham Bridge, Fordham, Colchester	MON	Medieval
MCC8628	6857	Undated cropmarks, east of Moat Farm, Eight Ash Green	MON	Undated
MCC8642	6830	Undated cropmarks, SE of Bronze House Farm, Eight Ash green	MON	Undated
MCC8644	7472	Undated cropmarks, Newlands Farm, Eight Ash Green	MON	Undated
MCC8646	7475	Cropmarks NW of Fordham Bridge	MON	Undated
MCC9170	10845	Gallows Green, Aldham	MON	Medieval Colchester I. to Post Medieval Colchester 2
MCC9171	10846	Fordham Heath, Eight Ash Green	MON	Medieval Colchester I. to Post Medieval Colchester 2
MCC9172	10847	Eight Ash Green	MON	Medieval Colchester I. to Post Medieval Colchester 2



Historic England Data

Historic England Listed Buildings

List Entry	Name	Grade	Eastings	Northings
1239711	Malting House, Seven Star Green	II	593741	225617
1239672	Green Acres, Foxes Lane	II	592626	225654
1239708	Mantills Farmhouse, Foxes Lane	II	592750	226158
1239672	Fiddlers Farmhouse, Fiddlers Hill	II	593190	226613



Appendix 2: Figures

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.”²¹

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.²²

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*.²³ These essentially cover the heritage 'interests' given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²⁴

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.²⁵

²¹ MHCLG, *NPPF*, Annex 2.

²² Historic England, *GPA:2*.

²³ 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.

²⁴ MHCLG, *NPPF*, Annex 2; MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-2019072.

²⁵ MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

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

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.²⁶

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.”²⁷

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.”²⁸

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”*.²⁹

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

²⁶ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

²⁷ MHCLG, *NPPF*, Annex 2.

²⁸ MHCLG, *NPPF*, Annex 2.

²⁹ 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.”³⁰

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 213 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 75 of the *NPPF*;³¹
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 213 of the *NPPF*, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³² and

³⁰ Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

³¹ MHCLG, *NPPF*, para. 213 and fn. 75.

³² MHCLG, *NPPF*, para. 213.

- **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”*.³³

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

Grading significance

There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets, specifically with regards to the relative significance of different parts of an asset.

ICOMOS guidance recognises that a degree of professional judgement is required when defining significance:

“...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative

assessment using professional judgement is inevitably involved.”³⁴

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.
- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.
- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of

³³ MHCLG, PPG, paragraph O39, reference ID: 18a-039-20190723.

³⁴ International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

significance and are areas and elements that have potential for restoration or enhancement through new work.

Assessment of harm

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

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

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *"have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"*,³⁵ 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."³⁶

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"*.³⁷

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"*.³⁸ 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.

³⁵ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁶ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁷ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

³⁸ Historic England, GPA:2, p. 9.

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*”.³⁹ Of particular relevance is the checklist given on page 13 of *GPA:3*.⁴⁰

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴¹

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”.⁴²

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.⁴³

Benefits

³⁹ Historic England, *GPA:3*, p. 8.

⁴⁰ Historic England, *GPA:3*, p. 13.

⁴¹ Historic England, *GPA:3*, p. 4.

⁴² Historic England, *GPA 3*, p. 8.

⁴³ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

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 214 and 215) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁴

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 214 to 216.⁴⁵

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

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

⁴⁴ MHCLG, *NPPF*, paras. 214 and 215.

⁴⁵ *Including - Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); MHCLG, *NPPF*, paras. 214 and 216.9.



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.***⁴⁶

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.

⁴⁶ 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.⁴⁷ 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.”⁴⁸

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”

⁴⁷ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

when the decision-maker carries out the balancing exercise.”⁴⁹

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 215 of the current, revised NPPF, see **Appendix 5**), this is in keeping with the requirements of the 1990 Act.⁵⁰

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.”⁵¹

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.

⁴⁹ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵⁰ Jones v Mordue [2015] EWCA Civ 1243.

⁵¹ 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.⁵²

⁵² UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 5: National Policy Guidance

The National Planning Policy Framework (December 2024)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in December 2024. This replaced and updated the previous *NPPF* (December 2023). 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 strong 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, having particular regard to key policies for directing development to sustainable locations,***

making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”⁵³

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 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, 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 75); and areas at risk of flooding or coastal change.”⁵⁴ (our emphasis)

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

Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage

⁵³ MHCLG, NPPF, para. 11.

⁵⁴ MHCLG, NPPF, para. 11, fn. 7.

assets and assets identified by the local planning authority (including local listing).⁵⁵

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.”⁵⁶

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.”⁵⁷

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 208 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.”⁵⁸

Paragraph 210 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.”⁵⁹***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 212 and 213 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

⁵⁵ MHCLG, NPPF, Annex 2.

⁵⁶ MHCLG, NPPF, Annex 2.

⁵⁷ MHCLG, NPPF, Annex 2.

⁵⁸ MHCLG, NPPF, para. 208.

⁵⁹ MHCLG, NPPF, para. 210.

asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”⁶⁰

“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.”⁶¹*

Section b) of paragraph 213, which describes assets of the highest significance, also includes footnote 75 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 214 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.”⁶²*

Paragraph 215 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.”⁶³

⁶⁰ MHCLG, NPPF, para. 212.

⁶¹ MHCLG, NPPF, para. 213.

⁶² MHCLG, NPPF, para. 214.

⁶³ MHCLG, NPPF, para. 215.

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 219 that:

“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.”⁶⁴

Paragraph 220 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 214 or less than substantial harm under paragraph 215, 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.”⁶⁵ (our emphasis)

With regards to non-designated heritage assets, paragraph 216 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.”⁶⁶

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 Ministry of Housing, Communities & Local Government (MHCLG)) 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.

⁶⁴ MHCLG, *NPPF*, para 219.

⁶⁵ MHCLG, *NPPF*, para. 220.

⁶⁶ MHCLG, *NPPF*, para. 216.

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

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

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”⁶⁷

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.”⁶⁸ (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.”⁶⁹

“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.”⁷⁰

⁶⁷ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁶⁸ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁶⁹ MHCLG, NDG, para. 46.

⁷⁰ MHCLG, NDG, para. 47.

It goes on to state that:

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

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

Today's new developments extend the history of the context. The best of them will become valued as

tomorrow's heritage, representing the architecture and placemaking of the early 21st century."⁷¹

⁷¹ MHCLG, *NDG*, paras. 48-49.

Appendix 6: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Great Horkesley are currently considered against the policy and guidance set out within the **Colchester Borough Council Local Plan 2013–2033 Section 1** which was adopted in February 2021 and the **Colchester Borough Local Plan 2017–2033 Section 2** which was adopted in July 2022 and the Eight Ash Green Neighbourhood Plan (November 2019).

No relevant policies are contained within the Colchester Borough Council Local Plan 2013–2033 Section 1.

The Colchester Borough Local Plan 2017–2033 Section 2 sets out the following policies pertaining to the historic environment:

“Policy ENV1: Environment

The Local Planning Authority will conserve and enhance Colchester’s natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough’s biodiversity, geology, history and archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. The Local Planning Authority will require development to be in compliance with, and contribute positively towards, delivering the aims and objectives of the Anglian River Basin Management Plan.”

“Policy DM16: Historic Environment

Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances

where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases, there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no instances where existing features have a negative impact on the historic environment, as identified through character appraisals (or other methods of identification of historic assets), the Local Planning Authority will request the provision of creative and accessible interpretation of heritage assets impacted by development.

Conservation of the historic environment will also be ensured by:

- i) identifying, characterising, protecting and enhancing Conservation Areas;
- ii) protection and enhancement of existing buildings and built areas which do not have Listed Building or Conservation Area status but have a particular local importance or character which it is desirable to keep;
- iii) preserving and enhancing Listed Buildings, Scheduled Monuments, Historic Parks and Gardens, including their respective settings, and other features, which contribute to the heritage of the Borough; and



“Policy SS5: Eight Ash Green

All development proposals in Eight Ash Green parish will be determined against and be required to comply with policies in the Eight Ash Green Neighbourhood Plan and any relevant Local Plan policies.”

Eight Ash Green Neighbourhood Plan 2017–2033

“Heritage Policy 1 (Her 1): Any Listed Building or Heritage Asset and their setting within the Neighbourhood Plan Area should be maintained or where possible enhanced to protect from any future development.”

Appendix 7: List Entries

Malting House, Seven Star Green

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1239711

Date first listed: 27-Jan-1982

Statutory Address 1: MALTING HOUSE, SEVEN STAR GREEN

Location

Statutory Address: MALTING HOUSE, SEVEN STAR GREEN

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

District: Colchester (District Authority)

Parish: Eight Ash Green

National Grid Reference: TL 93742 25618

Details

1. EIGHT ASH GREEN SEVEN STAR GREEN 5214 Malting House TL 92 NW 7/69 II 2. C18 house. Long range to street faced in red brick laid in Flemish-bond, on an L-plan; with hipped ridged and gabled roof clad with pegtile. Central square plan red brick chimney-stack. A range of 4 small-pane sash windows in exposed boxes. On first storey, front door under pedimented hood, with 5 pairs of C19 sash windows on ground storey.

Listing NGR: TL 93742 25618

Legacy

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

Legacy System number: 417694

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

Green Acres, Foxes Lane

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1239672

Date first listed: 27-Jan-1982

Statutory Address 1: GREEN ACRES, FOXES LANE

Location

Statutory Address: GREEN ACRES, FOXES LANE

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

District: Colchester (District Authority)

Parish: Eight Ash Green

National Grid Reference: TL 92627 25655

Details

EIGHT ASH GREEN FOXES LANE 1. 5124 Green Acres TL 92 NW 7/68 II
2. C16 house, on L-plan. Timber framed plastered with exposed studs and no external bracing. Crosswing of 2 bays, with hipped roof, gabled, and one gabled dormer in the return, all pegtiled. A small red brick chimney stack on wing roof and a large one against end gable at the hall-range. Ground storey windows mixed and modern. Most existing windows leaded casements, roofs side-purlin. Brick extension on hall-end.

Listing NGR: TL 92627 25655

Legacy

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

Legacy System number: 417650

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



Mantills Farmhouse, Foxes Lane

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1239708

Date first listed: 27-Jan-1982

Statutory Address 1: MANTILLS FARMHOUSE, FOXES LANE

Location

Statutory Address: MANTILLS FARMHOUSE, FOXES LANE

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

District: Colchester (District Authority)

Parish: Eight Ash Green

National Grid Reference: TL 92751 26159

Details

EIGHT ASH GREEN FOXES LANE 1. 5214 Mantills Farmhouse TL 92 NW 7/67 GV II 2. C17 house. Timber framed and plastered on an L-plan. Weatherboarded on south east gable. Of 2 storeys with a wing of one storey and attics extending to south-east. Roofs ridged and gabled pegtiled, with red brick concertina chimney-stack on 2 storey range and C18 square red brick chimney on extension wing. One gabled dormer window. Most windows are modern casements. (RCHM 7).

Listing NGR: TL 92751 26159

Legacy

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

Legacy System number: 417651

Legacy System: LBS

Sources

Books and journals

An inventory of Essex North East, (1922)

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.



Fiddlers Farmhouse, Fiddlers Hill

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1239672

Date first listed: 27-Jan-1982

Statutory Address 1: FIDDLERS FARMHOUSE, FIDDLERS HILL

Location

Statutory Address: FIDDLERS FARMHOUSE, FIDDLERS HILL

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

District: Colchester (District Authority)

Parish: Eight Ash Green

National Grid Reference: TL 93191 26614

Details

EIGHT ASH GREEN FIDDLERS HILL 1. 5214 Fiddlers Farmhouse TL 92 NW 7/65 II 2. Circa 1900. Timber framed and plastered 2 bay range of one storey and attics, with central chimney bay and tapered red brick chimney stack. Roof ridged and gabled, pegtiled. One flat topped dormer on east slope; above door on ground storey which has 6 fielded panels 2 leaded casements on first storey and a leaded casement to left and right of door. A short range of one storey extends length to north east with 3 modern leaded casements – with pegtiled ridge and gable roof. Extended further to north east, by a plastered brick and timber range of one bay with

matching pegtiled roof and modern chimney centrally and a set of 3 leaded casements. Plaster medallion with date '1700' over entrance door.

Listing NGR: TL 93191 26614

Legacy

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

Legacy System number: 417649

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.

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

Birmingham (City)

39 Bennetts Hill, Birmingham, B2 5SN

T 0121 308 9570

Birmingham@pegasusgroup.co.uk

Offices throughout the UK.

Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE



All paper sources from sustainably managed forests

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: 33 Sheep Street, Cirencester, GL7 1RQ

We are ISO certified 9001, 14001, 45001



Pegasus_Group



pegasusgroup



Pegasus_Group

PEGASUSGROUP.CO.UK