

PLANNING REF : 252595
PROPERTY ADDRESS : Barkham
:
: RG41
SUBMITTED BY : Mr . King
DATE SUBMITTED : 14/01/2026

COMMENTS:

A portion of my previous comments (12th January) appears to have been omitted from the portal and so I am re-submitting it.

The system also appears to have truncated the word 'clear' to 'ear' in the ultimate sentence of the first paragraph in section (1) of my comments!

In section (4) I referred to established case law relating to the impact of development proposals on the setting of designated heritage assets. The citations were absent, therefore:

The judgement of the Court of Appeal in *Catesby Estates Ltd v Steer and Secretary of State CLG v Steer* [2018] EWCA Civ 1697 is pertinent. In that case, the definitive issue was whether the planning inspector had dealt with the matter of a listed heritage asset's setting and considered the historical as well as physical connections between it and the development site. Presiding, Lord Justice Lindblom (with whom Lord Justice McFarlane and Lady Justice Asplin agreed) set out in paragraphs 28-30 of his ratio three general principles to be applied when considering the setting of a listed building and the potential effect of development on it:

(i) it is necessary for the decision-maker to understand what the setting of a listed heritage asset is and whether a development site falls within or is in some way related to it, in order to assess whether harm will be caused by proposals, pursuant to his or her duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to discharge the statutory obligation to "have special regard to the desirability of preserving the setting of a listed heritage asset"; [28]

(ii) none of the relevant policy, guidance and advice prescribes a single approach to identifying the extent of a listed heritage asset's setting, therefore planning judgement has to be applied to the circumstances of each individual case. The decision-maker has to concentrate on the "surroundings in which the heritage asset is experienced", keeping in mind that those surroundings may change over time, and also that the way in which a heritage asset can be experienced is not limited only to the sense of sight. The surroundings of the heritage asset are its physical surroundings and the relevant experience, whatever it is, will be of the heritage asset itself in that physical place; [29] and

(iii) the effect of a particular development on the setting of a listed building - where, when and how that effect is likely to be perceived, whether or not it will preserve the setting of the listed building, whether, under the NPPF, it will harm the "significance" of the listed building as a heritage asset, and how it bears on the

planning balance - are all matters for the planning decision-maker, subject to the principle emphasized by the Court of Appeal in *East Northamptonshire District Council v Secretary of State for Communities and Local Government* [2015] 1 W.L.R. 45 (at paragraphs 26 to 29), *Jones v Mordue* [2016] 1 W.L.R. 2682 (at paragraphs 21 to 23) and *Palmer* (at paragraph 5), that "considerable importance and weight" must be given to the desirability of preserving the setting of a heritage asset. [30]'

Given this, the absence from the application of a detailed assessment of the potential impact of the proposals on the setting of Langley Pond Farm is a significant lacuna. The only perfunctory reference to it appears to be in paragraph 5.6.1 of the LVIA, although this does not relate to any potential impact or harm, merely its presence in School Road. The proximity of the application site to the listed heritage asset means there is sufficient justification to believe that some degree of impact from the proposed development would occur and, consequently, should have been addressed fully. This omission weighs against the proposals considerably, in addition to my earlier point regarding inter-visibility between the two entities.

Thank you.