



**HERITAGE IMPACT ASSESSMENTS
SOLIHULL METROPOLITAN BOROUGH COUNCIL
LOCAL PLAN REVIEW**

**REPORT No 2: SITE 3 - WINDMILL LANE, BALSALL COMMON
MARCH 2019**

**DAVID BURTON-PYE MBE
DIP TP MRTPI IHBC
CHARTERED TOWN PLANNER
HISTORIC ENVIRONMENT CONSULTANT**

Produced for Solihull Metropolitan Borough Council
March 2019

David Burton-Pye MBE Dip TP, MRTPI, IHBC
Chartered Town Planner – Historic Environment Consultant

29, Conway Road, PERTON, Wolverhampton
Staffordshire, WV6 7RQ

07791 058351

CONTENT	PAGE
Aerial view of site	4
1.1 Location and General Description	5 – 6
1.2 Evidence from Historic Environment Record	7 - 9
1.3 Archaeological evidence to inform the Local Plan Review	8 - 12
1.4 Historic Mapping	13 – 19
1.5 Photographs evidence	20 – 25
1.6 Assessment of evidence	26 - 29
1.7 Minimising harm and enhancing significance	30

HERITAGE IMPACT ASSESSMENT: SITE 3 – WINDMILL LANE, BALSALL COMMON



Figure 1 Aerial view of site - map data Google Earth

2.1 Location and general description

- 2.1.1 This is a triangular site of some 14.55 ha to the south of Balsall Common. To the north the site is bounded by the gardens of houses accessed from Kelsey Lane (B4101) which in general terms forms the southern extent of the settlement. The western boundary is formed by Kenilworth Road (A452) which links Kenilworth to the south and Brownhills to the north. To the west of this road open farmland affords extensive open views across the countryside towards Fen End. East of Kenilworth Road two areas of land identified in the adopted local plan have recently been or are in the process of being developed as housing sites. To the north is Drovers Close which at the time of site visits was almost complete. To the south Meer Stones Road was under construction.
- 2.1.2 Windmill Lane runs from Kenilworth Road (A452) to Kelsey Lane (B4101) at Catchems Corner and forms the eastern boundary of the proposed site. At the time of site visits this road seems to form a popular route for vehicles some of whom may have been avoiding the traffic lights at the junction of the A452 and B4101 roads. A triangle of land, north of the junction of Kenilworth Road and Windmill Lane is excluded from Site 3. Windmill Lane has a small number of residential properties spread along its length on either

side of the road. These generally tend to be large houses in generous plots so that the immediate environs of the road are a mix of low density housing and grazing land. Approximately half way along Windmill Lane the Windmill Park Residential Homes Site lies east of the road some 150 metres south of the windmill. Hob Lane, running east/west, joins Windmill Lane south of Catchems Corner.

- 2.1.3 The heritage asset affected by Site 3 is Berkswell Windmill which is listed Grade II*. The site of the windmill is defined by a hedge with mature trees and includes the listed windmill and an adjacent house occupied by the owners of the windmill. Immediately south of the windmill, on the same side of the road are two residential properties and the mobile home site referred to above. Opposite the windmill on the west side of the road are three large houses in generous plots surrounded by fields. North and east of the windmill the adjacent fields extend to Hob Lane where there is a short ribbon of residential development on the south side of the road with a number of farmsteads to the north. Immediately opposite the windmill a public footpath links Windmill Lane and Kenilworth Road. The fields through which this footpath runs are divided into paddocks, grazed by horses. Alongside the footpath the new housing development of Meer Stones Road is currently under construction.

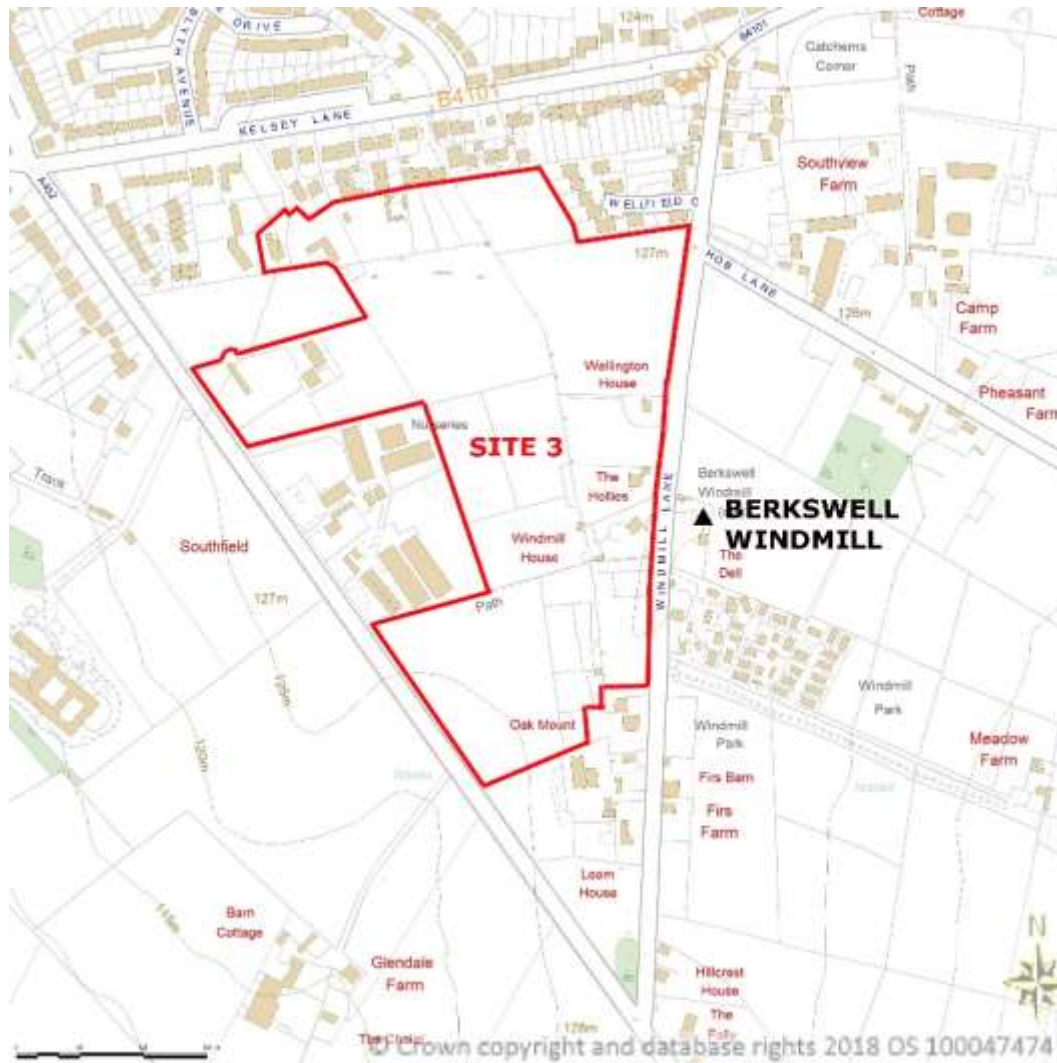


Figure 2 Location Plan

2.2 Evidence from Historic Environment Record and Other Sources

2.2.1 The list description of the windmill taken from the Historic England website is as follows:

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1054782

Date first listed: 18-Jul-1972

Date of most recent amendment: 30-Jun-1993

Statutory Address: BERKSWELL WINDMILL, WINDMILL LANE

SP 27 NW BERKSWELL WINDMILL LANE

11/254 Berkswell Windmill (formerly listed as Balsall Windmill)

18.7.72 II* (star)

Tower windmill. Early C19. Red brick; wood and metal boat-shaped cap. Two sails missing, otherwise intact internally and externally. Circular plan, 3 storeys, battered walls with small windows under cambered arches. Endless-chain drive, wooden and iron shafting and gears; under-driven stones; various bins and other fixtures. This is the most complete example of a West Midlands tower mill.

Listing NGR: SP2491275920

2.3 “Archaeological Assessment to inform the Solihull Metropolitan Borough Council Local Plan February 2018”

For maps see Appendix 1 and for data tables Appendix 2

Grid Ref: SP 2472, 7603

Site Size: 14.55 Ha

2.3.1 Geology:

The bedrock geology across the study area is dominated by the Mercia Mudstone Group, sedimentary bedrock formed approximately 201 to 252 million years ago in the Triassic Period.

Superficial geology consists of Oadby Member – Diamicton and Glaciofluvial Deposits. These superficial deposits formed up to 2 million years ago in the Quaternary Period when the local environment would have been dominated by rivers and Ice Age conditions (British Geological Survey <http://www.bgs.ac.uk/>).

2.3.2 Historic Landscape Character Summary:

Within the site boundary the historic landscape character is predominantly planned enclosure of medium and small rectilinear fields with very straight boundaries, laid out in a very regular pattern. These fields appear to be 18th-19th century enclosure onto previous common/waste.

An historic farmstead is recorded as ‘High Cross’ which dates back to at least the 19th century.

In the wider area to the north, east, south and southwest the area is dominated by similar areas of planned enclosure

of large, medium and small rectilinear fields with very straight boundaries laid out in a very regular pattern. This also appears to be 18th-19th century enclosure onto previous areas of common/waste. Interspersed between this are a number of historic farmsteads and detached buildings dating to at least the 19th century.

To the north west of the site is the 20th century expansion of the settlement of Balsall Common with mostly post 1950s detached and semi-detached housing with some schools, parks and recreational areas.

2.3.3 Scheduled Monuments within the PSS:

None

2.3.4 Scheduled Monuments within the study area (1km buffer from PSS boundary):

Polesworth Bridge – Historic England List Entry No. 1005771

Remains of Polesworth Abbey – Historic England List Entry No. 1005735

Grendon Bridge – Historic England List Entry No. 1005756

2.3.5 Conservation Areas within the PSS:

None

2.3.6 Conservation Areas within the study area (1km buffer from PSS boundary)

None

2.3.7 Listed Buildings within the PSS:

None

2.3.8 Locally Listed Buildings within the PSS:

None

2.3.9 ARCHAEOLOGY:

Previous known archaeological work within the PSS:

The Solihull Historic Environment Record has no record of any previous archaeological work having been undertaken across this site.

2.3.10 Known archaeological sites within the PSS:

The Solihull Historic Environment Record has no record of any archaeological sites or monuments within the site area.

2.3.11 Past Disturbance to the PSS:

It is probable that the majority of the site has been in agricultural use since at least the medieval period. Whilst this agricultural activity may have caused some damage to any archaeological deposits predating this use, this damage is unlikely to have been extensive.

2.3.12 Archaeological Potential of the PSS:

This proposed development site lies within an area of significant archaeological potential. Buildings probably relating to the agricultural use of this area are shown on the 1st Edition OS map in the north western portion of the site. These do not appear on the earlier 1inch OS map, suggesting that they post-date the 1830s. These buildings appear to still be extant. The proposed development of this area could have an impact on these historic structures; there is also a potential for archaeological features

associated with the use of those structures to survive across that area.

The Tithe map includes a reference to 'Danes Bank' in this location. It is not presently known to what feature this label is referring – it may be of archaeological interest but is outside the site.

Aerial photographs of this area show an enclosure with a possible double ditch and bank in a semi-circular shape as a cropmark 140m to the west (MSI 10464).

Although few other relevant archaeological sites have been previously recorded in the immediate vicinity of the site, this may be due to a lack of previous archaeological investigations across this area, rather than an absence of activity during the pre-medieval periods. There is therefore a potential for archaeological features associated with the known site to the west, and/or other previously unidentified archaeological features, pre-dating the medieval and later agricultural use of this site, to survive across this area. These may include archaeological deposits of regional or national importance, which may be worthy of preservation in situ.

The Grade II* Listed Berkswell Windmill, which dates to the early 19th century, lies to the immediate east of the site.

Site Sensitivity to change:

2.3.13 Archaeology:

Development of this site is likely to have a significant negative archaeological impact upon any archaeological deposits which survive across this area. It is also likely to have an impact on the setting of the Grade II* Listed

Berkswell Windmill which is immediately adjacent to the site.

2.3.14 Historic Landscape Character:

Any development will change the historic landscape character of this area from its present state which is mainly planned 18th - 19th century enclosure with a contemporary historic farmstead nearby.

Of note is the parish boundary running through the centre of the site. This marked on an estate map dating to 1779-80 and later historic maps. It is likely to be significantly older and as such is a particularly important surviving feature in the landscape.

2.3.15 Planning Recommendations for the PSS:

A programme of archaeological assessment should be undertaken, the first phases of which should comprise detailed desk-based (including a walkover survey) and geophysical survey. This should include an assessment of the impacts of the proposed development upon the setting of any historic buildings, including the Listed Berkswell Windmill, which lie within, or in the wider vicinity of, this site. This should be followed by a programme of evaluative fieldwork, including fieldwalking and trial trenching, the scope of which should be informed by the results of the earlier surveys. This fieldwork should be undertaken prior to the determination of any planning application in order to provide sufficient information to enable a reasoned and informed planning decision to be made. The archaeological evaluation will inform the development of a strategy, if appropriate, to mitigate the potential archaeological impact of the proposed development; this strategy may include

designing the development to avoid impacting archaeological deposits of national significance which are worthy of conservation.

The Historic Landscape Character of this area should be taken into account when considering any planning application for this site.

2.3.16 Victoria County History

The entry for the Parish of Berkswell in A History of the County of Warwick: Volume 4, Hemlingford Hundred Originally published by Victoria County History, London, 1947 states that

"A former windmill ¼ mile to the south has a tapering round body of 18th-century brickwork with a wood capping: no sails are left". (Authors note – this is Berkswell Windmill, near to Site 3).

2.3.17 Society for the Preservation of Ancient Buildings

The building features on the SPAB website with the following entry:

"A brick tower mill with a hand-winding wheel, built in 1826 on the site of a post mill. Last worked by wind in 1933, and used auxiliary power until 1948. Restored to workable order 2013".

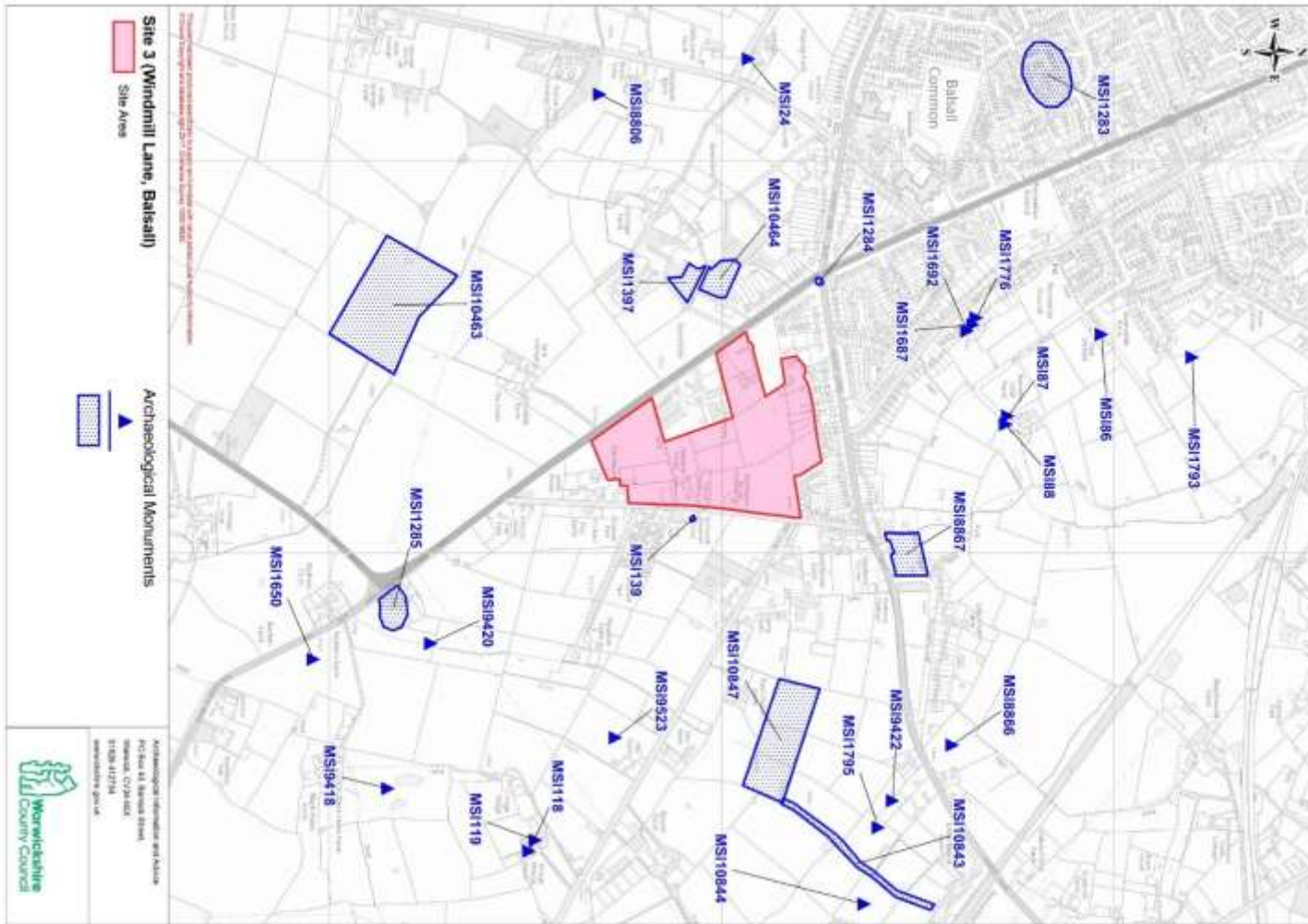


Figure 3 Archaeological monuments - information supplied by Warwickshire Archaeological information and advice

2.4 Historic Mapping

2.4.1 NB: Site 3 lies within two parishes and as historic maps often relate to parishes some do not show the whole of the site. The available evidence is therefore a little inconsistent insofar as the whole site is concerned. As an approximate description of this the site can be considered as being divided into three inverted triangles with their apex at the junction of Windmill Lane and Kenilworth Road. The two triangles to the west of the parish boundary towards Kenilworth Road lie within Temple Balsall parish; the triangle to the east of the parish boundary alongside Windmill Lane lies within Berkswell parish.

2.4.2 The following historic maps sources have been used to inform the evidence base:

- Survey of Estates in Fen and Meer End Quarters in Temple Balsall 1779-1780
- Inclosure Map Hampton-in-Arden, Balsall – 1802
- Berkswell Tithe Map 1839
- Hampton in Arden, Balsall Tithe Map
- early Ordnance Survey maps

all of which have been examined at Warwick Archives and Record Office. Several early Ordnance Survey map sheets are available (eg 1886, 1902, 1937) but as there is little discernible difference between them as far as Site 3 and Berkswell Windmill are concerned only one of these is included in the report.

2.4.3 The 1779-1780 survey (Figures 5-7) covers a wide area which extends some distance beyond Site 3. Kenilworth Road is shown (running through the words Windmill Hill) as is its junction with what is now Kelsey Lane. At this point **on the map it is annotated as "DANES BANK". Windmill**

Lane, being in Berkswell parish, is not shown but two oak trees are marked at its junction with the Kenilworth Road, **namely SOLOMON'S OAK and CHILD'ES OAK. The windmill is clearly shown and is depicted as such near to the annotation "WINDMILL HILL". The boundary between the two parishes is clearly marked as being defined by "Meer Stones"**



Figure 5 Title Block of 1779-1780 survey



Figure 6 extract of 1779-1780 Survey



Figure 7 Extract from 1779-1780 survey to show Windmill, SOLOMON'S OAK and CHILD'S OAK

2.4.4 The 1802 Balsall Common Inclosure map (Figures 8-9) is **more concerned with land around Site 1 (Barratt's Farm)** and as such land ownerships around Site 3 are not marked as clearly as they are in Site 1. However, the windmill is shown with a large pond nearby (off what is now Hob Lane) and is associated with a larger area of land to the east, Parcel 60. NB On this map Windmill Lane is shown as Warwick Road and Hob Lane is shown as E. Hob Lane Road. The windmill is clearly shown as is the footpath between field parcels 75 and 76 that still exists.

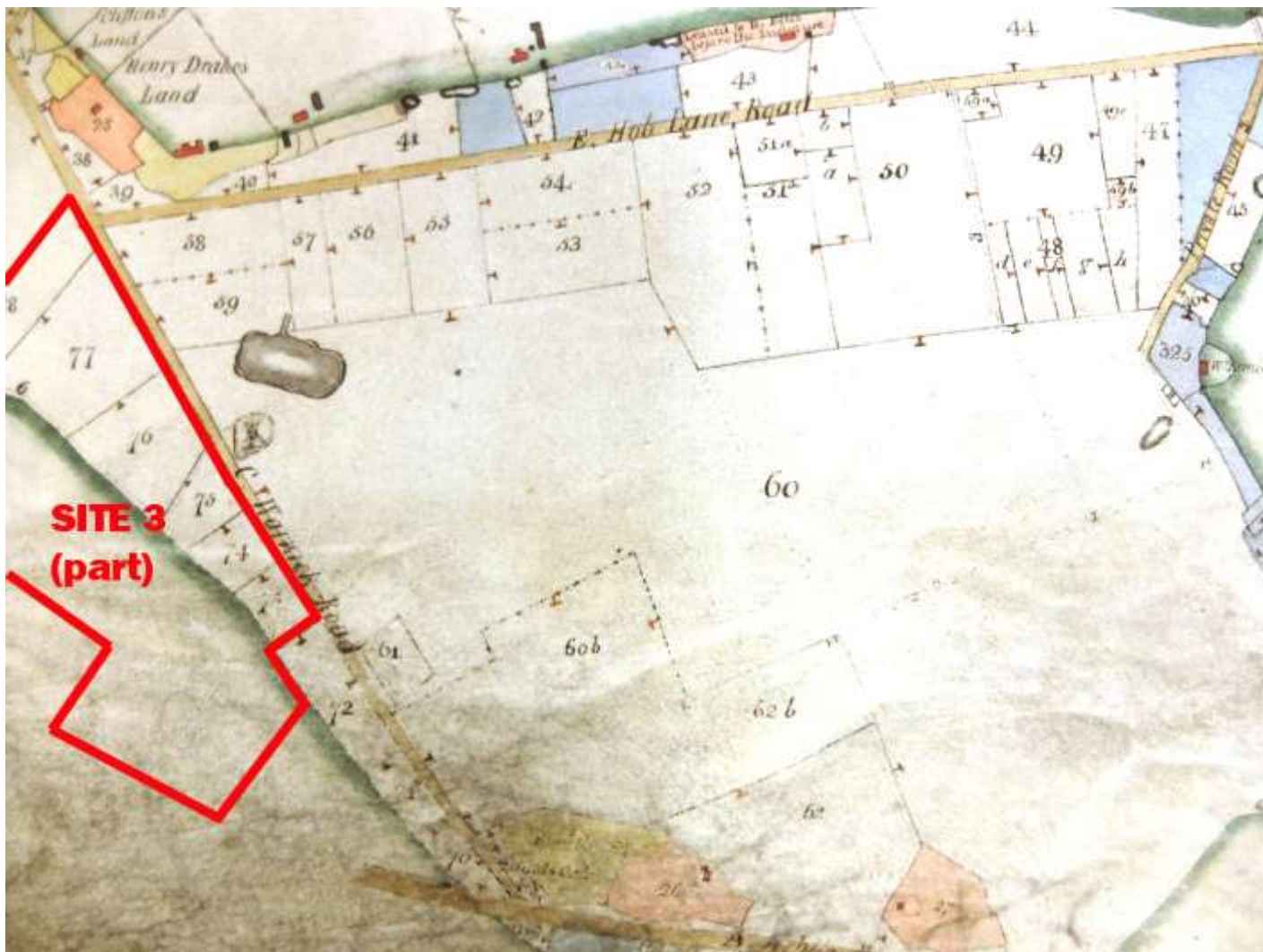


Figure 8 Extract from 1802 Inclosure Map of Balsall Common



Figure 9 Detailed extract from 1802 Berkswell Inclosure Map to show windmill. NB on this map the footpath between Windmill Lane and Kenilworth Road that still exists can clearly be seen between field parcels 75 & 76. The "water feature" north of the windmill can still clearly be seen from the windmill.

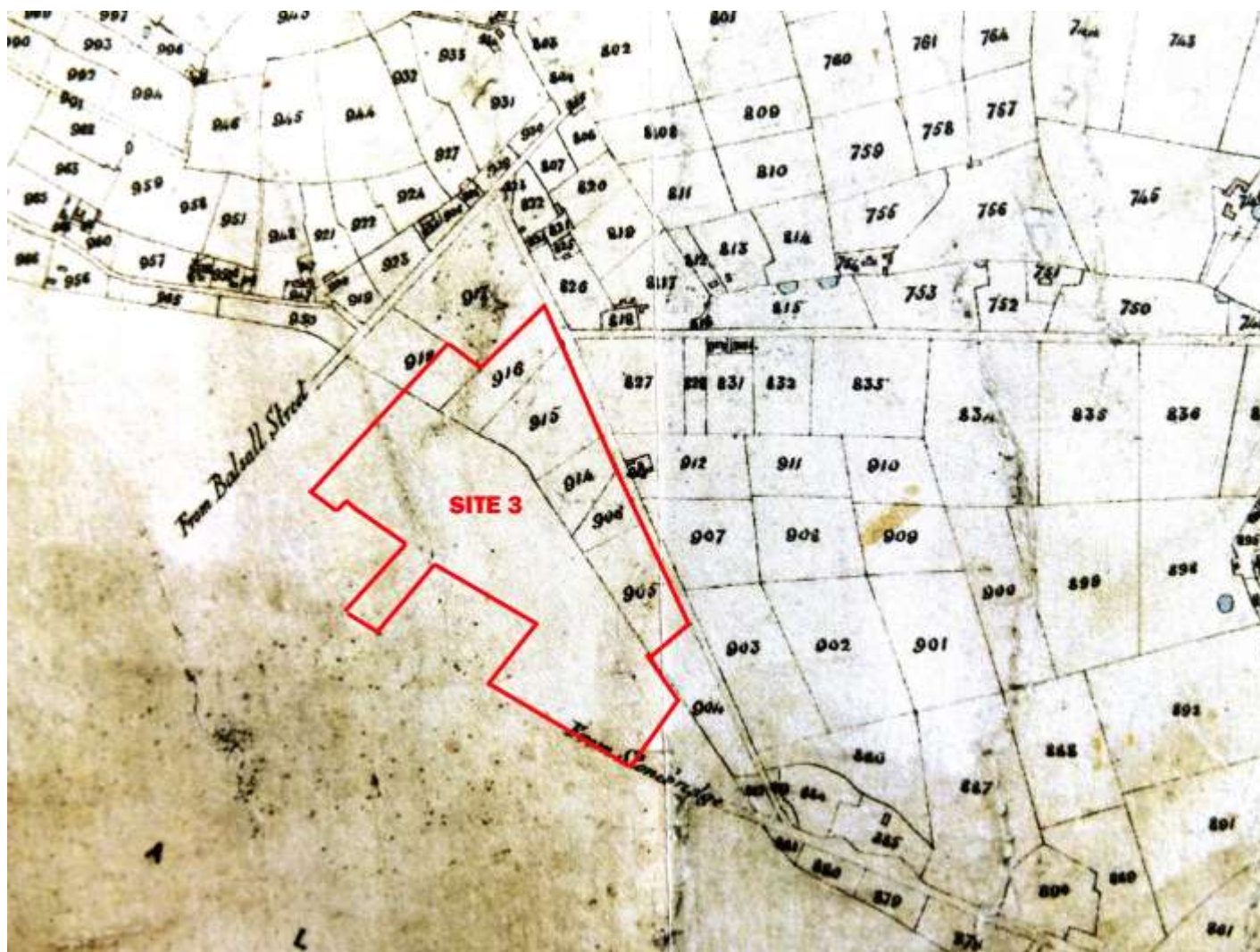


Figure 10 Extract from 1839 Tithe map of Balsall Common

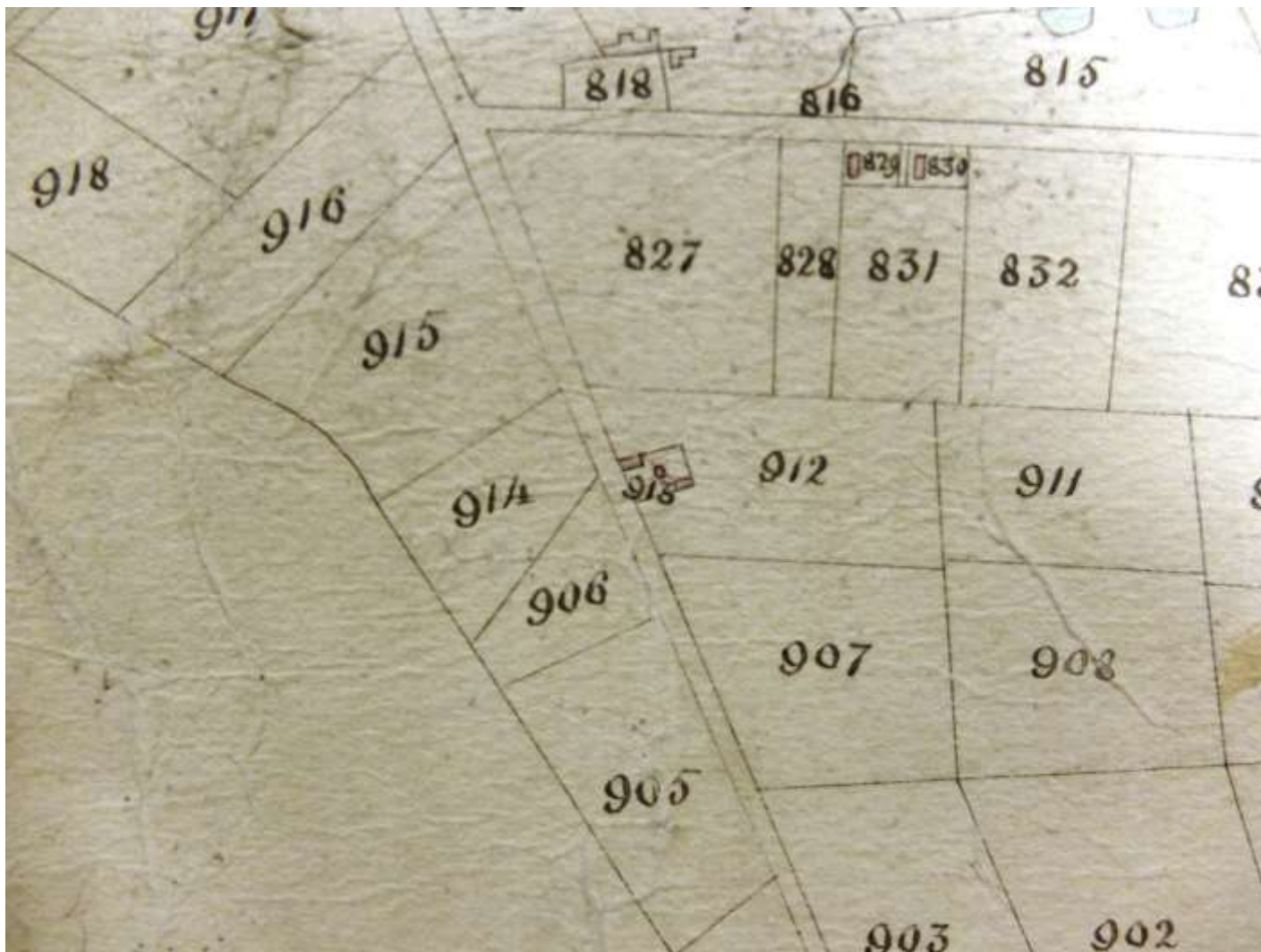


Figure 11 Detailed extract from 1839 Tithe Map of Balsall Common showing windmill as parcel 913.

- 2.4.5 The Berkswell Tithe Map 1839 (Figures 10-11) shows that in the intervening years since the 1802 Inclosure the fieldscape around Berkswell Windmill had changed from large to smaller fields. By 1839 the windmill is Parcel 913, described as “House Windmill and Garden” owned and occupied by Thomas Hammond who was also the owner/occupier of parcels 907, 908 and 909. Parcels 910, 911 and 912 were at this time owned and occupied by Charles Eaves.
- 2.4.6 Warwickshire Record Office also has deeds of the windmill 1706-1920 (*document reference CR 1694*), letters from William Riley (miller) of Bradnocks Marsh respecting repairs to his mill 1894-1896 (*document reference number 2837/1-8*), and sectional views of machinery built for J Hammond in 1826 (drawn in 1975) (*document reference 2510*). These have not been examined; whilst they are clearly of interest regarding the mill they are not relevant to this report which considers its setting.
- 2.4.7 As indicated in paragraph 2.3.2 above the early Ordnance Survey sheets show the development of site 3 since 1887, the principle changes being the establishment of housing along Kelsey Lane to the north and the development of a nursery off Kenilworth Road (ie the site currently under construction as Meer Stones Road).
- 2.4.8 In addition the site visits revealed several C19 farmsteads in the general vicinity. Those in Hob Lane will not be affected by the development of Site 3 but Firs Farm on Windmill Lane is a C19 farmstead that retains its general form and may be considered as a non-designated heritage asset. As outlined for Site 1, no recommendations are made about local listing.

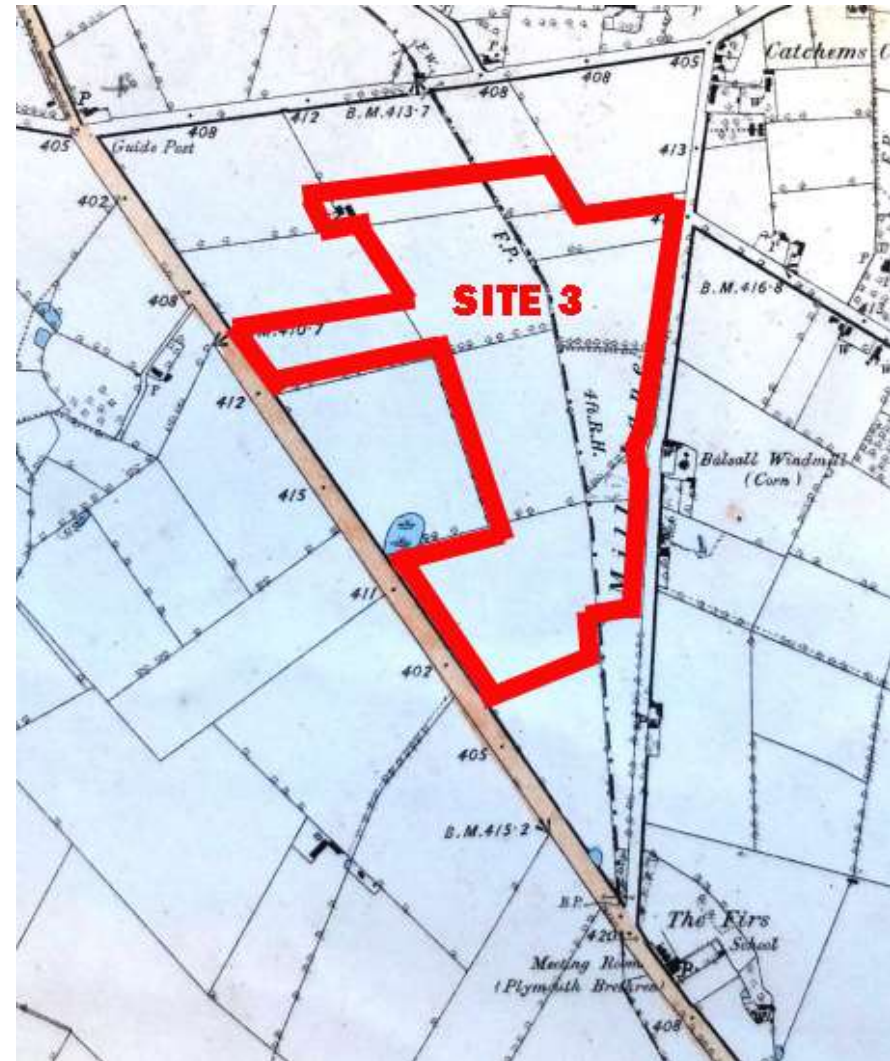


Figure 12 1887 1st Edition Ordnance Survey Sheet XXV.NE

2.5 Photographic evidence

- 2.5.1 The following section contains a series of photographs to show the site and Berkswell Windmill. Details of the techniques used to form the panoramic images are set out in Paragraph 2.15 of the Introductory Statement.
- 2.5.2 In order to assess the windmill and its setting site visits were carried out on 4th October when the weather was dull and overcast and again on 19th December 2018 when leaf cover had fallen from trees. On this occasion the weather was again dull and overcast. The first two visits included walking along the public footpath between Windmill Lane and Kenilworth Road, walking south along this road and returning north along Windmill lane to the windmill and the junction of Hob Lane. A car journey was also made along Hob Lane for approximately 1km to ascertain views to the windmill from this road. It was not possible to gain access into the fields that occupy the central third of the northern part of Site 3.
- 2.5.3 A further site visit was made on 1st March 2019 to view the mill itself and to assess views from the heritage asset to the proposed site. On this occasion the owner of the mill, representatives of SPAB, the millwright John Boucher who restored the mill in 1975, a Dutch miller and a representative from Avoncroft Museum were present. The author of this assessment is grateful to these interested parties for the detailed expert advice that they gave regarding the mill and the history of its working machinery – some of which pre-dates the existing construction having been re-used from an earlier structure on the site. During

this visit there was enough wind to rotate the sails and drive the machinery.



Figure 13 Berkswell Windmill from north looking south



Figure 14 Berkswell Windmill from Windmill Lane adjacent to mill



Figure 15 Public footpath from Windmill Lane to Kenilworth Road, opposite windmill



Figure 16 View from windmill to part of Site 3 adjacent to public footpath – trees in middle distance are along Kenilworth Road



Figure 17 View into Site 3 from Windmill Lane at start of public footpath looking south to south-west



Figure 18 Panoramic view of Site 3 from footpath from Windmill Lane looking south to south west and Kenilworth Road



Figure 19 Panoramic view taken from field near footpath looking north-east to windmill and south-east along Windmill Lane



Figure 20 Panoramic view into Site 3 from public footpath looking south-east to south-west and Kenilworth Road



Figure 21 Panoramic view from field gate on Windmill Lane, north of Windmill, looking east to south-east and mobile homes site south of windmill

2.6 ASSESSMENT OF EVIDENCE

2.6.1 In assessing the impact that the proposed development site may have on heritage assets this report takes note of the following legislation, policy and guidance:

Section 66 of the Act which requires the LPA to

"to consider the desirability of preserving the building or its setting".

As stated in the NPPF the setting of a heritage asset is defined as follows:

"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".

As stated in GPA 3

Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset.

Significance has been assessed by reference to the NPPF glossary as follows:

*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.

2.6.2 Berkswell Windmill has a brick tower with a timber cap and stands on a brick 'plinth' about 600mm above the surrounding ground level. North of the mill is the cottage where the mill's owners live. East of the mill are two small brick outbuildings which the owner says were used as a dairy by an early owner of the current mill. South of the mill are two small paddocks.

2.6.3 **Beyond the mill's curtilage the** surroundings are of mixed character as outlined in the Historic Landscape Character assessment set out in the HER information provided by Warwickshire County Council and as described in Paragraph 2.2.2 of this report above. As explained in GPA 3, setting of an asset is not confined to views and it is therefore helpful to describe the setting of the windmill.

2.6.4 The windmill lies east of Windmill Lane which carries a number of vehicles, many of which appear to use this road to avoid the traffic lights at the junction of Kelsey Road and Kenilworth Road. Immediately south of the windmill on the same side of the road are two houses and south of them, a mobile homes site the entrance to which is approximately 150 metres from the windmill. Within the mobile homes site the closest units to the windmill are approximately 65 m away. West and north-west of the windmill on the opposite side of Windmill Lane are three detached houses - Windmill House (some 55m away), The Hollies (some 65m away) and Wellington House (some 115m away) - all set in substantial gardens. South west of the windmill the southern end of Site 3 is generally open and is used for grazing horses. North and east of the windmill the fields are open and the hedgerows established by the early C19

enclosures are still extant and this is also largely the case within Site 3 itself. Apart from the dwellings scattered along Windmill Lane, the surroundings in which the asset is experienced are generally a rural scene on the edge of the settlement of Balsall Common.

2.6.5 Using the criteria set out in Table 1 the importance of Berkswell Windmill is

HIGH	*Grade I and Grade II* buildings
------	----------------------------------

2.6.6 Using the criteria set out in Table 3 the sensitivity of Berkswell Windmill to further change is

HIGH	The original setting has been limited by medium degrees of incremental changes, some of which are modern reflections of the original setting
------	--

2.6.7 Using the criteria set out in the NPPF regarding significance the potential archaeological interest is assessed in the HER as set out in Paragraphs 2.2.11 – 2.2.17 of this report.

2.6.8 The architectural and historic interest of the windmill are both high and are derived from its form, its construction and its function as an important component in and a key element of the farm economy of the area. Whilst this working function as a mill grinding local produce has diminished its functionality has not, and the mill is still wind powered. The installation of a diesel engine in the **1920's/30's was to supplement rather than replace wind power** and enabled the mill to operate more frequently

rather than being restricted to times when there was wind. The machinery is still in working order powered by wind and is open to the public on regular occasions to demonstrate how such a mill operates.

2.6.9 Windmills are frequently and popularly the subject of paintings and photograph and hence Berkswell Windmill has high artistic interest.

2.6.10 **Using the values established in "Conservation Principles"** as set out in paragraph 2.10 of the Introductory Statement the windmill has

High Evidential value derived from its potential to yield evidence about past human activity

High Historical value derived from the ways in which past people, events and aspects of life can be connected through a place to present.

High Aesthetic Value derived from the ways in which people draw sensory and intellectual stimulation from a place

2.6.11 There are views of the windmill from parts of the paddocks between Windmill Lane and Kenilworth Road and as evidenced by Figure 15 there are very clear views from the windmill to the paddocks alongside Windmill Lane immediately south of the footpath opposite the mill.

2.6.12 The setting of the windmill enables public views to be gained from a few locations which thus, in the terms of the NPPF, affect the ability to appreciate that significance. From the northern part of Site 3 there appear to be no views of the windmill and any that may exist are heavily filtered by the three houses in large gardens off Windmill

Lane and the extensive tree cover in their gardens. From the southern part of Site 3 the only area from which the significance of the windmill can readily be appreciated are the paddocks adjacent to Windmill Lane opposite the windmill and the properties immediately to its south.

- 2.6.13 Using the advice in GPA 3 as set out in Paragraph 4.10 of the Introductory Statement **regarding “Change over time”** it is appropriate to consider both the immediate and wider setting of Berkswell Windmill. The immediate setting comprises the areas described in paragraph 2.5.4 above namely the fields north and east of the windmill, the houses and mobile homes site to the south, the paddocks within Site 3 west of Windmill Lane and immediately south of the public footpath and the 3 large houses west of Windmill Lane. The wider setting comprises the fields within Site 3 and the fields, houses and farmsteads along Hob Lane together with the rural landscapes beyond these.
- 2.6.14 At the time of the enclosures and tithe maps there were links in terms of ownership and occupation of the windmill and fields immediately adjoining the mill. When it was in use as a working mill its associative links with the surrounding farmlands were strong, but they have diminished over time and now that it is a private house these links are now reduced to an educational role – albeit that this is a highly significant role.
- 2.6.15 During the course of the accompanied site visit in March 2019 it was stated by the interested parties that as the southern part of Site 3 lies south-west of the windmill and as this is the direction of prevailing winds, development could affect wind flows to the mill and thus compromise its functionality. No technical evidence is available to substantiate or disprove this suggestion but whether this is

an issue or not, the visual impact of development is sufficient to raise considerable objection to the proposals. This is further considered in Section 2.6 on minimising harm and enhancing significance.

- 2.6.16 GPA 3 Step 2 (as set out in Paragraph 4.24 of the IS) advocates assessing whether, how and to what degree setting contributes to significance. The following attributes of **“the asset’s physical surroundings”** contribute to its significance in that it is sited on high ground for functional reasons in terms of operational requirements and there was clearly a functional relationship with the surrounding farmland. At some point it would have been visually dominant, and whilst this has diminished with later development in its surroundings and the growth of trees GPA3 Step 1 advises that Zones of Visual Influence should not take into account landscape artefacts.
- 2.6.17 **With regards to “experience of the asset”** the interpretation and promotion of the building through its opening on various occasions through the year contribute to the **asset’s significance**.
- 2.6.18 Direct views of Berkswell Windmill from the surroundings are somewhat limited. It is not readily visible when approaching along Windmill Lane from the south as it is obscured by existing properties and tree and hedge cover. It is most visible when approached from the north along Windmill Lane from where the circular tower, the sails and the adjoining cottage are readily seen and appreciated. There are limited, filtered and distant views of the tower and sails from Hob Lane that would be unaffected by development of Site 3.

2.6.19 As set out above the significance of Berkswell Windmill is high and its sensitivity to change is also high

2.6.20 Section 66 of the Act requires the Local Planning Authority to preserve the setting of Listed Buildings and the NPPF states that

"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".*

2.6.21 The evidence demonstrates that there are clear views to parts of Site 3 from the windmill and this statement considers that development in the paddocks adjacent to Windmill Lane and south of the footpath would fail to preserve the setting of this Grade II* building and would thus be contrary to Section 66 of the Act. It further considers that development here would cause significant harm to its setting as defined in the NPPF which requires that harm to the setting of Grade I or II* assets should be wholly exceptional.

2.7 Minimising harm and enhancing significance

2.7.1 This assessment does not consider that development in the northern part of Site 3 would cause harm to the setting of the windmill. Development in the southern part of the site would cause harm for the reasons set out above. The following suggestions are therefore made to minimise harm (see Figure 22):

- No development should take place in the paddocks adjacent to Windmill Lane.
- If additional technical evidence is provided that development at the south end of the site would adversely affect the functionality of the windmill then no development should take place in this area.
- If functionality is not compromised, a view cone should be established from the windmill and no built development should be permitted in this area.
- Any development in the south of the site should be low density and restricted to no more than two storeys in height.
- No development anywhere in the site should be permitted to exceed the height of the brick tower – excluding the cap, to ensure that the mill retains its prominence as the tallest landmark in the vicinity.

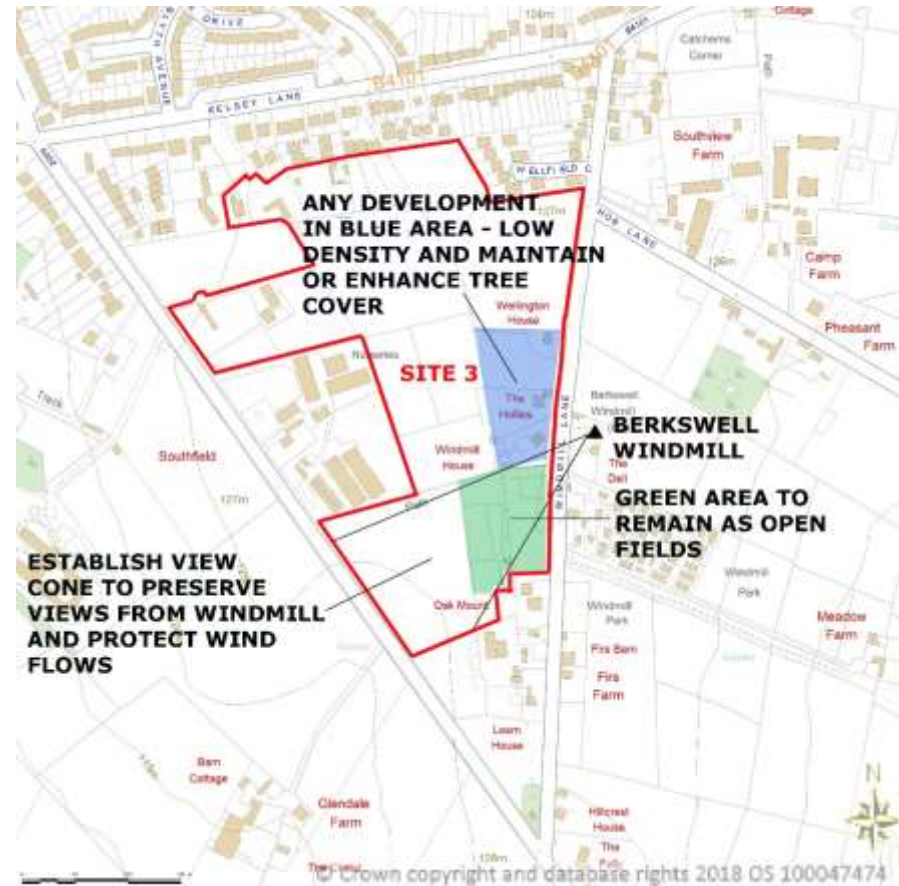


Figure 22 Site 3: View cone and areas to be protected