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President: Robin Thompson CBE, DL | Chair: Sarah Bury DL

Mrs Sue Collins  
Planning Development Management  
Shire Hall, Abbey Foregate  
Shrewsbury, SY2 6ND

13 February 2015

Dear Mrs Collins

**14/05492/FUL | Conversion of former public house to form three dwellings and erection of one detached dwelling with associated detached garage | Proposed Residential Development Cross Keys Inn Kinnerley Oswestry Shropshire SY10 8DB**

**14/05493/LBC | Works to Listed Building to facilitate conversion of former public house to three dwellings and erection of one dwelling with associated detached garage | Proposed Residential Development Cross Keys Inn Kinnerley Oswestry Shropshire SY10 8DB**

1. This objection letter is sent in advance of the expiry date of 14 February shown on the Council website for one of the above applications, notwithstanding that the application is incomplete because (a) the applicant promises further necessary information in the form of an archaeological report which is not yet available (paragraph 6.11 of the revised Design & Access Statement incorporating Heritage Assessment dated January 2015) and (b) no site notice appears to have been posted at the site, as officers would have been able to observe when visiting the site on the morning of Friday 30 January.
2. The Cross Keys Inn is a vital element of the setting of the centre of Kinnerley village and has been part of the village scene for centuries. There is currently an active campaign within the village to save it as a community hub. It continued to operate as a pub until a fire in October caused the current owner to close it at least until smoke damage has been remedied to the satisfaction of insurers. It is not yet a former pub, as incorrectly described (above) on the Council website. All Shropshire Council and National Policy favours the retention of the Cross Keys Inn as a pub and a resource for the village.
3. CPRE Oswestry therefore objects to the above proposal on three broad grounds, namely:
  - A) The proposed development on this site would ruin the historic core of Kinnerley.
  - B) The proposed development is counter to policies in the NPPF, in Shropshire Council's Core Strategy and SAMDev, and in the Kinnerley Parish Neighbourhood Plan.
  - C) The Cross Keys can still be viable as a pub/community hub and its retention as such is supported by the community.

We expand on each of these grounds, as set out below.

## A) Historic setting

4. CPRE Oswestry (over the name of its then Chairman, Mike Bullen, who very sadly died just before Christmas) submitted a Heritage Statement in February 2014 in connection with the first planning application on this site (for four houses), at a time when the applicant had submitted none. That CPRE Heritage Statement is reproduced here for ease of reference at Appendix 1 and remains relevant.
5. The statement makes it clear that Kinnerley is a rare example in Shropshire of a possibly Saxon 'green' village, part of the setting of which is the Cross Keys Inn, particularly in relationship to the Church. English Heritage have not had the opportunity to assess this aspect of Kinnerley's historical background in the detail that we have; with their limited resources they have looked primarily at the grade II listed structure of the Cross Keys itself.
6. The Cross Keys building remains an essential part of an extraordinary historical setting in the centre of Kinnerley. In increasing recognition of that history, the Parish Council is now considering seeking to have that centre designated as a conservation area.
7. In English Heritage's initial response dated 25 March 2014 to the first planning application (13/05139/FUL) they said:

*The development site affects the setting of The Church of St Mary, Kinnerley, . . . Grade II\* listed buildings are in the top 8% of England's listed historic buildings. It is therefore by definition more than special, it is outstanding. The development also affects the setting of the Cross Keys Public House, . . . . The conjunction of these historically high status buildings indicates an early settlement of some significance, which needs to be thoroughly understood before decisions are taken on development.*

*The significance of the site has been investigated very helpfully in the Heritage Statement report supporting the objection by CPRE.*

As noted in paragraph 4, that CPRE report is reproduced here as appendix 1.

8. CPRE continues to research Kinnerley village centre in order that it "be thoroughly understood" in more detail, to aid planning decisions. We also attach, as appendix 2, a PowerPoint presentation and accompanying notes (given by Carole Ryan-Ridout) at the very well attended public meeting in Kinnerley Parish Hall on 19 January (see also below). This material, together with early maps and a map regression has recently been submitted to officers to further enhance the understanding of the site. This and further ongoing research is illustrating the importance of the site, not only in a local, but in a national context.

## B) NPPF, Core Strategy, SAMDev and the Kinnerley Parish Neighbourhood Plan

### NPPF

9. Paragraph 132 of the NPPF states that great weight should be given to a heritage asset's conservation, including recognising that its "*significance can be harmed or lost . . . through development within its setting*". The proposed Plot 5 would harm the significance of the setting of the Cross Keys Inn itself, of Kinnerley Church, and of the overall historic centre of Kinnerley.
10. Paragraph 126 of the NPPF states that:

*Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place*

11. Shropshire Council have largely implemented this requirement in Core Strategy Policy 17. Taking NPPF 126 and CS17 together:

- i) We do not think that this proposal “*Protects and enhances the diversity, high quality and local character of Shropshire’s . . . built and historic environment*”, and that it does “*adversely affect the visual, . . . heritage or recreational values and functions of these assets*” (CS17, first bullet point).
- ii) We do not think that this proposal “*Contributes to local distinctiveness*” (CS17, second bullet point); in fact it would wreck local distinctiveness.
- iii) We think that this proposal would harm “*the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring*” (NPPF 126)

### ***Core Strategy***

12. Core Strategy Policy CS6 requires that all development “*Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate*”. We think that:

- i) The overall proposed development does not protect, restore, conserve or enhance the existing built and historic environment on and around the Cross Keys site.
- ii) Plot 5 in particular is inappropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.

13. Core Strategy Policy CS8 says that the development of sustainable places where residents enjoy a high quality of life will be assisted by “*Protecting and enhancing existing facilities, services and amenities that contribute to the quality of life of residents and visitors*”. It goes on to say in paragraph 4.103 that “*As a predominantly rural area, Shropshire is familiar with threats of closure to, and loss of, its post offices, schools, pubs, village shops and phone boxes, to name but a few*”.

14. Shropshire Council's policy is clearly therefore to protect village pubs and it is not yet time to give up on the Cross Keys as a resource for villagers, locals and tourists, particularly at a time when new development is set to significantly expand Kinnerley's population (see paragraph 21 below).
15. We have already commented above on Policy CS17.

#### **SAMDev**

16. Shropshire's site allocations within SAMDev is currently subject to examination. Appeal decisions (most recently APP/L3245/A/14/2223087 concerning land adjacent to Rednal Manor, West Felton, Oswestry SY11 4HT dated 13 January) have confirmed that Shropshire Council can demonstrate a 5 year supply of deliverable housing land. NPPF paragraph 49 therefore does not apply.
17. The present application is not sustainable development as set out in NPPF paragraph 7. It fails all three arms of the economic, social and environmental tests. Economically, it would remove the possibility of the pub remaining as an economic asset within the village. Socially, it would remove the potential of the pub to continue to serve the community and to become a more vibrant community hub. Environmentally, it fails to protect and enhance the built historic core of Kinnerley.
18. The Cross Keys site is not one selected within SAMDev and the houses the application proposes are not required in order to meet Shropshire's housing needs.

#### **Kinnerley Parish Neighbourhood Plan (KPNP)**

19. The KPNP was adopted by Shropshire Council in November 2012 and is a material planning consideration.
20. The Cross Keys site is within the development boundary of Kinnerley as defined in the KPNP but is not one of sites selected for development within the KPNP.
21. Both the KPNP and SAMDev have allocations of about 23 houses for Kinnerley Village over the plan period (and about 54 for Kinnerley Parish as a whole). In fact, since the completion of the KPNP, houses currently being built, or planned for sites which have been supported for approval, amount to 52 more dwellings. Since there are approximately 109 houses in Kinnerley Village at the moment (within the Development Boundary) that represents an increase of approaching 50%. So Kinnerley already has more than its allotted share of housing allocations and this application is not required to meet Kinnerley's housing needs.
22. It is clear that the pub is likely to be needed even more because of the extra houses that are already being built, or will be built, within the village.
23. The KPNP (that is, the people of Kinnerley) recognised that the Cross Keys Inn is an integral part of the village, just like the church, school and shop.

#### **C) Viability and Localism**

24. The applicant claims that the Cross Keys is a) a 'failing pub' and is now b) a former public house.
  - i) The supporting information for nomination as an Asset of Community Value records that the Cross Keys became a 'failing pub' only because "*years of bad management led to the severe decline of the pub*".

- ii) The pub has been closed since the smoke damage resulting from the fire (and the resulting Prohibition Order served by the Fire Officer on 17 October 2014, nearly four months ago now). The closure of the pub was the applicant's decision. The smoke damage to the listed building will presumably be remedied, and would be expected to be covered by insurance. The Prohibition Order is thought to have related to the first floor sleeping accommodation, not to the ground floor pub.
- 25. Whether any pub is viable will depend partly on the return on capital required by the owner, and how expensive any loans are. Appendix 2 shows that the Land Registry records Admiral Taverns Ltd (the previous owners) as having paid £170,000 for the Cross Keys Inn and its site on 28 January 2012, whereas the present owners paid £245,000 (plus £44,100 VAT) some 20 months later on 5 September 2013. The price paid will have an effect on attitudes about viability.
- 26. Notice of intention to sell the pub was given on 25 June 2014 and, as a result of that, the CKAC sought to make an offer by Christmas Day which was the end of the moratorium. CKAC was not able to make such an offer by the deadline but is still working to do so at a later date, or to help facilitate an alternative local purchaser, and business plans are now being progressed. Yet this latest planning application was dated on 8 December and we are not aware that the Cross Keys is yet on the open market, as would have been expected from the notice of intention to sell, which was given last June.
- 27. There remains considerable community support to keep the pub open as a resource for the village and several avenues remain open in order to achieve that aim in a viable way.
- 28. CAMRA have now submitted their viability report which concludes that the pub has every chance of success with the right ownership structure.
- 29. The many objection comments make it clear that residents believe this proposal would wreck the heart of the village, both socially and historically. We agree.

### **Further points**

- 30. A number of points arise from the revised Design & Access Statement incorporating Heritage Assessment dated January 2015.

Paragraph 1.7: We understand that the '*low rent lease*' was over £1,000 a month which the tenants paid in arrear and which they had paid up to the end of the month preceding the fire. We do not understand why the fire should cause the pub to remain closed when surely the damage can be remedied through an insurance claim.

Paragraph 1.8: The applicant implies simply that he cannot afford to reopen the pub. That could be remedied by a sale at a realistic price to a buyer who was willing and able to do what is necessary to reopen the pub, who might enlist the help of a willing community to do so.

Paragraph 2.2: Plot 1 (subject to appeal) is included within the plans and paragraph 6.29 clarifies that it is envisaged to be required for enabling work to be carried out on the listed pub. All papers submitted for the appeal are therefore also relevant to these applications and we trust that officers will read them as well as the papers for these applications.

Paragraph 2.3: We understand that the only interactions with the Parish Council have been presentations at Council meetings which the Council have commented on: that falls short of any meaningful '*consultation*'.

Paragraph 4.3: Plot 5 is referred to as having three bedrooms whereas the plans show it to have four bedrooms.

Paragraph 4.4: The building is referred to as being 19thC whereas it has a 14thC core.

Paragraph 4.5: No new house placed within the curtilage of a listed building can possibly be "*unobtrusive*". In the case of Plot 5 it is within the setting of both the pub and the Church.

Paragraphs 4.6 and 7.1: The proposal that the setting of the pub is "*underused*" from a development point of view fails to appreciate the value of the open space, deriving from the original village green, in the centre of Kinnerley.

Paragraphs 5.6 to 5.10: The fact that the local Action group has not yet raised finance does not mean that a community solution cannot be achieved, with goodwill on both sides.

Paragraph 6.11: We do not consider a "*desk-based assessment*" to be an adequate substitute for the stated archaeological investigation, the results of which we have not yet seen.

Paragraph 6.21: Notwithstanding what is said about English Heritage's position it remains the case that they said at the very start of their report dated 25 March 2014 that it was "*the development site*" i.e. the whole of the site upon which the pub stands, that affected the setting of the Church (see also paragraph 7 above).

Paragraph 6.29: The description of the proposed "*significant elements of conservation repair*" needs to be in the public domain.

Paragraph 10.4: The suggestion appears to be that the listed building will be allowed to deteriorate if planning permission for this development is not granted.

31. Subsequent to the posting of the revised Design & Access Statement incorporating Heritage Assessment on the Council's Planning website on 19 January, an Amended Highways Plan was posted up on 29 January. This proposes demolition of the venerable sandstone wall along the road frontage of Plot 5, and the building of a new wall, to a significantly lower height of 900mm, about 0.5m back from the present location. We think that the harm of knocking down an ancient wall, which has considerable symmetry with the churchyard wall opposite, would outweigh any benefit from widening the pavement. We note, despite the conservation officer's claim (posted on 4 February) that this proposal "*is being locally encouraged*", that the Parish Council does not support this proposal.
32. We agree with other objectors, including the Parish Council, that the access to Plot 5 would involve backing from or onto a sloping driveway onto or off the road, very near a bend that is known to be dangerous and which residents are constantly anxious about. The road is also narrow at that point, such that lorries or buses have to be cautious when meeting each other there.
33. The ground levels shown on the Site Layout Plan appear to be existing ground levels (as shown on the Topographical survey for the first application 13/05139/FUL) rather than

the levels that will be left after excavation and levelling of the site for Plot 5. This is planned to be built on ground to the NE of the pub that is significantly higher than the road.

## Conclusion

34. There is a planning balance to be struck between the need to protect heritage and setting and any suggested need for houses. That balance remains in favour of protecting heritage. NPPF 132 states that great weight should be given to the heritage asset's conservation, including recognising that its "*significance can be harmed or lost . . . through development within its setting*".
35. The present application is not sustainable development as defined in NPPF paragraph 7.
36. The housing units this application proposes are not required by Shropshire Council or by Kinnerley to meet identified housing needs.
37. There remain opportunities to preserve the pub as a viable community asset, which National Policy and Shropshire Council policy seek to encourage. This application would prevent this from happening.
38. There are shortcomings in the detail of the application.
39. This application should therefore be refused.

Yours sincerely

Charles Green

Chairman CPRE Oswestry

CPRE Heritage Statement for 13/05139/FUL, submitted 10 February 2014

# Heritage Statement for the Village of Kinnerley describing its Saxon and Medieval Pattern of Development



Presented by CPRE Oswestry February 2014

to support its objections to

Planning Application **13/05139/FUL**

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**13/05139/FUL | Erection of four dwellings; retention of public house; formation of new vehicular accesses and alterations to existing car parking arrangement; associated landscaping | Cross Keys PH Kinnerley Oswestry SY10 8DB**

CPRE Oswestry has been asked to look at this planning application and wishes to bring the following comments to the attention of Shropshire Council's Planning Authorities.

**The absence of a Heritage Statement** in view of the context in the landscape of St Mary's Church, a fine Grade II\* listed Minster Church, the adjacent Cross Keys PH with its intact medieval open hall with five cruck trusses and four bays, and the Kinnerley Green Village makes it impossible for Shropshire Council Planning Department to determine this application.

CPRE Oswestry has undertaken a study to fill the void and to ensure that when this application is reviewed, members of the North Planning Committee will be fully aware of the importance of the site, not just for the Kinnerley area but for the whole of Shropshire.

**Kinnerley – an outstanding example of a Saxon/Norman village**

Examination of the most basic documents, such as the History of the Church, a map regression derived from early maps and a simple examination of the topography of the site, reveals that the area proposed for development constitutes a key component of Shropshire's unique historic environment, a fact which is immediately visually obvious. The following indicate why:

**1. The Medieval village**

Every part of the core of the village of Kinnerley centred around the Church conforms to a medieval pattern of development. The Church sits on a large circular mound, which it in fact shares with the site immediately E of the Cross Keys PH, the road having the appearance of having been cut through this mound. Only very early Churches of the immediately post Roman/early Christian era occupy such circular mounds, which are themselves semi-defensive in nature. It is possible that this cutting through the Saxon enclosure around the Church was a Norman modification to create access from their stronghold at Belan Bank, requiring the revetment of both Churchyard and manorial site with a stone wall. Both the Church and the site of the Cross Keys probably occupied the same building platform.

**2. The Importance of the Cross Keys**

The fact that the basis of the Cross Keys is a cruck-framed open hall would reinforce the theory that the Cross Keys is in fact a late 15<sup>th</sup> century replacement for a possibly earlier building by the conquering Norman warlord or the Saxon Hall belonging to the earlier Thengn, as a position close to the Church would enable easier administration of the immediately surrounding settlement.

**3. Georgian exterior**

The fact that the Cross Keys PH building now has a Georgian external shell is a typical development of the late 1700s/early 1800s as a reflection of agricultural wealth following the agrarian revolution (1750-1820) and this development is also reflected in practically every other house of significance (including the former old Vicarage) within the settlement, such was the urge to follow fashionable development in society. The name Court House (later Swan Inn, now Cleveland House) may alternatively be the site of the manor house as a replacement for the earlier Saxon site.

**4. The road pattern of the Green Village**

The road pattern has two important characteristics. Firstly a reversed S which is characteristic of the Saxon and Medieval periods, reflecting the use of the Saxon plough and the fact that it radiates outwards from an area which could be described as a typical 'green' – an enclosure for the impounding of animals, and a market place. This Saxon characteristic is still intact.

### 5. The Saxon 'Green Village'

The area is bounded by the Church, The Cross Keys, the former Swan Inn (now Cleveland House) and the later 19<sup>th</sup> century developments of the Village Stores, and the School which encroached onto the green and which has now very sadly been lost, although this has meant some reclamation of the former 'green'. Green villages are a very particular type of early settlement pattern and their form and context needs to be jealously guarded. The road pattern was designed to lead directly to the fields, and the field pattern on the Tithe Map (1845) and the later 1875 map shows clearly a pattern of long narrow fields redolent of strips being grouped together – the latter the former open strip field cultivation of the Saxon and Norman period, together with some small irregularly shaped fields typical of early enclosure.

### 6. Kinnerley Church, the Mother/ Minster Church for the whole of South Oswestry

Of primary significance is the fact that St. Mary's Church clearly had a Saxon foundation, being the Mother Church or Minster for all Churches to the south of Oswestry i.e. the seat of a peripatetic ministry. A minster Church is of considerable significance being the focus of early Christian preachers whose mission was to travel to surrounding areas to preach and to also establish preaching crosses or early wooden Churches, of which Knockin is known to be very significant as a daughter Church. The present Kinnerley Church is truly majestic and rises on its mound about the surrounding buildings but it should not be forgotten that the Cross Keys site is also part of this same site in origin and is similarly of great visual importance to the 'green village' and is predominately the most important building in the village as viewed from the Churchyard. Its environs are thus of considerable visual importance to the Church itself.

### 7. The site of the earliest Preaching Cross

Of even greater significance is that the fact that the site for redevelopment immediately E of the Cross Keys is the possible site of the early Christian Preaching Cross (dating from 6<sup>th</sup>-10<sup>th</sup> century), attested to by the field names Cross Field which is attached to the land immediately E of and behind The Cross Keys PH (evidence from Tithe apportionment). It is thus possible that the PH takes its name from a former preaching cross which stood on what thus appears to be the end of the defensive enclosure before the road was cut through. The cross would have preceded the building of any Church on the site and its site would have been deliberately chosen by a missionary priest to precede the building of the first wooden church from out of which a colony of missionary priests would travel to surrounding areas to convert the pagan Saxons to the Christian religion as early as the 6<sup>th</sup> century.

### 8. The 15<sup>th</sup> Century Preaching Cross in the Churchyard

The preaching cross in the Churchyard is thought to be 15<sup>th</sup> century in date and could be a replacement, both in form and location. Such features acquired a symbolic significance over the centuries and as the old Saxon Cross crumbled away it necessitated a replacement which could easily have moved its location. The proposed development thus could hardly be described as being a suitable use for such a unique historical site of considerable importance to the foundation of Christianity for the Oswestry area. In essence the roads radiating outwards from the Church and the important 'green' or heart of the settlement, to the settlements of Pentre, Edgerley, Knockin, Knockin Heath, Kynaston and Dovaston would have been the product of this early evangelization.

### 9. Sandstone walls

Sandstone walls are a feature of the village and form the roadside boundary to a number of properties as well as the building material for one of the substantial houses. It is thus essential to retain these important features of the village, especially those that delineate and act as a revetment for what appears to be a deliberate cutting through the early religious/Saxon defensive site.

### 10. The West side of the Cross Keys PH

The west side of the Cross Keys PH is equally important to the setting of the village and the Minster Church as viewed from the graveyard surrounding the Church. Whilst a modern building has encroached on this to some extent it has not removed the importance of this 'green space' to the village and what is hoped will be a designated conservation area.

### 11. Planning Criteria

The proposed development is unsuitable use for such a unique historical site of considerable importance to the foundation of Christianity for the Oswestry area.

The proposed designs are banal and overpowering and will dwarf the Cross Keys PH, tower over the green and create an unfortunate duality with the Church, reducing its importance in the street scene. Under no circumstances can these proposed developments be allowed to disrupt the setting of the Minster Church.

The tarmac which now invades the E side of the Cross Keys is an unfortunate necessity for the carpark. It should not be allowed to detract from an understanding of the importance of the site to the village as a whole, the contribution to the 'village green' and its setting, and most pertinently the contribution to the setting of the Grade II\* Minster Church.

The west side of the Cross Keys PH is equally important to the setting of the village and the Minster Church as viewed from the graveyard surrounding the Church. Whilst a modern building has encroached on this to some extent it has not removed the importance of this 'green space' to the village and what is hoped will be a designated conservation area.

The importance of the Cross Keys site as a boundary to the former village green is readily visible when viewed from the Churchyard. The areas of land to the east and west sides and to the rear appear never to have been previously developed.

**The settlement as a whole abounds with buildings of listable quality to include a number of the larger Georgian and stone houses which undoubtedly have earlier cores; and the whole form of the village itself has potential to be a conservation area. Such 'green villages' are very rare, are known to be associated with Saxon settlement, and its importance as an early foundation of Christianity urgently needs to be recognised.**

### 12. Specific Planning reason why the Cross Keys Development should be resisted

#### Assessment against NPPF policies

Section 12 of the National Policy Planning Framework (NPPF) states in paragraph 126 "that Local Planning Authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the Historic Environment including heritage assets most at risk".

**The setting and ancient form of the 'green village' of Kinnerley, part of the Saxon defensive mound and the setting of the magnificent grade II\* Minster Church are currently at risk by virtue of the proposed development and the question is being raised as to what is the Council's policy in respect of paragraph 126. In particular why there is no proposal for a conservation area.**

In particular the Planning Authority should be recognising the desirability of new development making a positive contribution to local character and distinctiveness, and the opportunities to draw on the contribution made by the historic environment to the character of a place.

**It should be recognised that Kinnerley has unique character insomuch as it is a 'green village' (a specific village plan form) of very early origin, thought to be Saxon and has a Minster Church sitting on a large circular mound, part of which is immediately adjacent to the Cross Keys PH. The proposed**

**development is immediately adjacent to the Cross Keys PH, on both sides, and will have an extremely deleterious effect on all of these important heritage assets and is thus a major risk.**

Paragraph 128 states that "in determining planning applications local planning authorities should require the applicant to describe the significance of any heritage assets affected". **No such heritage statement exists. The application is thus deficient and cannot be determined.**

Paragraph 129 states that "Local Authorities should identify and asses the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of heritage asset)". **There is no evidence that the important heritage assets of the 'green village' or the Minster Church have been recognised as yet by the Local Authority.**

Paragraph 131 states that "in determining applications LPAs should take into account - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

**The centre of the village – the core of the Saxon 'green village' and the Minster Church are important heritage assets that need to be enhanced. The east side of the Cross Keys PH is likely to have been part of the defensive Church mound and is thus part of this heritage asset. All of these features would be detrimentally affected by the development which in is in no way commensurate with sustaining and enhancing the significance of these important heritage assets.**

Paragraph 132 states that "when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction. Substantial harm to a grade II\* building should be wholly exceptional"

**It is obvious that the proposed development would destroy the context of the west side of the defensive mound upon which the Church sits and which is now the east side of the Cross Keys and possible location of the Saxon preaching cross. It would negate the impact of this area of the mound.**

Paragraph 133 states that "where a proposed development would lead to substantial harm or total loss of significance of a designated heritage asset the LPA should refuse consent".

**The Minster Church is an important designated heritage asset and the mound upon which it sits is likely to have continued and is now the east side of the Cross Keys Public House. Development of this feature would occasion substantial harm to the Minster Church and its defensive mound.**

Paragraph 135 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"

**It is urged that the LA regard the mound upon which the east side of the Cross Keys sits as part of the defensive Saxon mound upon which the Church sits and thus an undesignated heritage asset. Also that paragraph 129 should apply, that is, non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.**

**Finally it is urged that in accordance with paragraph 141 LPAs should make information about the significance of the historic environment (at Kinnerley i.e. the defensive mound, the 'green village' and the Minster Church) gathered as part of the development management process, publicly accessible and that it should form the basis of a Conservation Area designation.**

### **Assessment against the Core Strategy**

The proposed development at the Cross Keys PH has been examined against the **Core Strategy** and it is recommended that it is refused for the following reasons.

**It is contrary to CS6 (Sustainable Design and Development Principles) in the following respects**

Kinnerley is an important 'green village' with Saxon origins. It thus has local distinctiveness. The development is proposed for an ancient site associated with a Minster Church which has never been previously developed and the E side is so close to the Church that it will directly affect its setting. It cannot therefore be said to "protect, restore, conserve and enhance the historic environment".

The development is not appropriate in scale as it will impinge dramatically on the area surrounding the Church, itself having an important significance in association with the Church and create an unfortunate duality, competing with the magnificent Church for visual attention. It is thus not appropriate in scale and density.

The unfortunate overbearing design does not respect the context and character of the 'green' and the Church and thus does not have regard to national and local design guidance. The E side of the proposed development is on land which is highly significant to the setting of the Church and deserves to be enhanced and upgraded once more into a partially green space to tie in with the graveyard and the village 'green'.

In 4.81 it is stated that the quality and local distinctiveness of Shropshire's townscapes and landscapes are important assets, having a direct impact on quality of life and boosting Shropshire's image as a tourist destination. None can be more important than this 'slice' of Saxon heritage. It goes on to say that the Council will ensure new development complements and relates to its surroundings, and regard will be paid to historic environment assessments.

**The council are urged to take due account of the historic environment assessment and the importance of this site to Shropshire's heritage and thus the need for protection and enhancement, all of which would be negated by allowing this development.**

### **The proposed development is further contrary to Policy CS 16- Tourism, Culture and Leisure.**

This policy states that the Council promotes connections between visitors and Shropshire's cultural and historic environment. By allowing this development which would destroy the setting of the grade II\* Minster Church and removing an essential element of visual quality appropriate to its setting, the Council would not be supporting access, understanding and engagement with Shropshire's historic assets.

### **The proposal is contrary to CS 17 in every respect**

The development does not protect or enhance an historic environment asset, both in respect of the 'green' the important heart of this 'Saxon in origin' village and the setting of the majestic Minster Church, the very basis of this Saxon settlement.

The proposed development will not contribute to local distinctiveness. Neither does it have any relationship with the latter. These are standard 'executive homes' the form of which is totally alien to their unique environment. The policy explanation clearly states that all new development should take account of features which generate local distinctiveness and nothing could be more distinctive than a Saxon 'green village' and a grade II\* Minster Church.

When **Kinnerley Parish Neighbourhood Plan** was adopted by Shropshire Council the Parish was congratulated for identifying more sites for housing development than was proposed in the SAMDev document. KPNP specifically excluded future development in the centre of Kinnerley Village. There is no shortage of potential building sites in Kinnerley Village.

We trust that you will take note of these comments when considering this planning application.

Yours sincerely

M J Bullen

Chairman CPRE Oswestry

### References

- Belan Bank – info from Secret Shropshire* [www.search.secretshropshire.org.uk](http://www.search.secretshropshire.org.uk)
- Kinnerley Map 1875 – www.old-maps.co.uk*
- Kinnerley Map 1888-1891 – www.old-maps.co.uk*
- Field Names Map Kinnerley (as derived from the tithe map) – www.secretshropshire.org.uk*
- Kinnerley Church History – www.2shrop.net*
- Kinnerley Parish – early History – www.2shrop.net*

# The Cross Keys, Kinnerley and Setting

The Inn on the Green

# Ancient Trackways onto the Green follow the line of the Saxon Plough

**Winding Argoed Lane**



**A Sudden Revelation**



# Ancient Trackways onto Kinnerley Green defined by the Saxon Plough

**Vicarage Lane Approach – narrow exit as it leaves the village**



**Dovaston Approach-note winding exit**



# Ancient Trackway Approaches

**Winding Kinnerley Road abutting Saxon Fields**



**Early Fields (meadows) looking towards Kinnerley – notice undulations (R+F?)**



# The Possible Saxon Earthwork Defence

- As viewed from carpark of Cross Keys



As viewed from the village hall behind



Swing Eyes to the Right – Church on same level as rampart of Cross Keys- was this road cut through by Normans



# Rampart defence visible in Beer Garden



# Earthworks of defence or settlement on the Recreation Ground



# Back Lane divides the Church from the Manor House building platforms



# A Journey down Back Lane to find the rest of the possible Saxon Rampart (Banky Field)

Possible Saxon rampart from the front



More believable from behind



# A Journey down the rest of Back Lane

**Notice the curve of what is a succinct building platform for the Manor Farm**



**At the bottom is the Mill Site**



# Early Buildings Circle the Green



# The Key Ancient Buildings around the Village Green (incl. the Church)

**The Star Building – Cross Keys  
The Inn on the Green viewed from Churchyard**



**The Manor House viewed from the Cross Keys**



# Post Medieval Bldgs Around the Green

18<sup>th</sup>/e19thC Farm Buildings belonging to farm  
before it was a shop (c1900 projection)



Lilac House 18<sup>th</sup> C and earlier



# The Evils of Tarmac

**Highway standards- road improvements**



**Necessary Parking abutting the rejuvenated village green**



# More Tarmac - Entrance to Back Lane adj. Manor Farm artificially widened



# Victorian Endeavour – Encroachments onto the Village Green

**Village Blacksmith opp the Inn – change of horses good for trade**

The Blacksmith's today visible again behind the now demolished Victorian school



# Yeoman Farmers settled in Vicarage Lane + new Vicarage Built to replace the Priest House

Hazlecroft late 18thC, Enfield early 19<sup>th</sup>  
(ditto CK, Manor House)-earlier cores?

18<sup>th</sup> C Vicarage replaces Priest's House



# The Star Building-Cross Keys - c1400 (rear range) with c 1800 frontage

**Primary Features – The Cruck Trusses (c. R Farmer) smoke blknd**



**Other features of Interest – plank and muntin screen (ditto)**



# Life at the Cross Keys in c 1400- 700 yrs ago



# Primary Evidence for poss Priest's House and Church Ales House– map c. 1600, prob earlier-gothic hinges(RF)



# What would have happened had RF not submitted CK for listing ala Penrhos Arms, Whittington



# Other Features of CK

**The Stable – was essential for change of horses**



**Internal Panelling 17thC**



# Map Regression – Mapping the Ages



# Research Continues Apace

- Research has recently revealed the following interesting information drawn from the VCH, Vol 4, published 1989
- Several of the Marcher lords maintained studs on their Shropshire lands i.e. Kinnerley.
- In 1363-4 the Reeve of Kinnerley spent £73s 4d on 8 war horses during a stay of 98 days covering hire of stable, oats per day, + medicine.
- Kinnerley is not unimportant in the Middle Ages

# THE INN ON THE GREEN

'Green' setting important to retain because

- CK cruck hall sits on possible Saxon Rampart and Georgian frontage on the village green.
- Beer Garden - West side is part of both.
- The green setting to the listed building is essential to retain, it is part of its curtilage.
- West side is important for summer functions and acts a noise buffer.



**Notes to accompany PowerPoint presentation ‘The Cross Keys, Kinnerley and Setting - The Inn on the Green’****Slide 1 - Introduction**

The Cross Keys is c1400AD, i.e. it is about 700 years old. The site upon which it sits may be c600, i.e. it is about 1400 years old. It has been identified on a map which is itself a rare survival showing Kinnerley before 1600 as one of two buildings, both in ecclesiastical use. One must be a Priest’s House (early vicarage) and is now gone (its site is proposed for an executive home) and one can only be a Church Ales House, identified as the Cross Keys (CK) because of its distance from the Church. Both Church and CK may have occupied the same raised area of land, possibly a defensive bank, deliberately as a statement of power and status.

All access roads into Kinnerley were formerly tracks into a large village green (clearly seen as such on early maps – see map regression), apart from that which leads to Dovaston which may have started life as a Norman/immediately Post Conquest improvement to allow access to the motte and bailey castle at Belan Bank and to subjugate the existing Saxon population of Kinnerley. The Argoed Lane sweeps around a large ovoid enclosure now functioning primarily as the village shop but which was clearly a farm with farm buildings, with large and important 18<sup>th</sup>C house now behind the shop (and a very high hedge). The house may have an earlier core. The farm buildings are 18<sup>th</sup>/19<sup>th</sup>C. The vision of the Church and Cleveland House as viewed from Argoed Lane (formerly Swan Inn and before that Court House/Manor House), which immediately meets the eye may be no accident in terms of a statement of power and wealth. Both the ovoid islands on which the Manor House and the ‘shop range’ stand upon may be an immediate post-conquest reorganisation of the earlier (possibly Saxon) ‘green village’.

**Slide 2**

Vicarage Lane reveals at its far end (abutting Enfield House) its possible true early width as a mere track-way from the fields.

**Slide 3**

The Dovaston approach (itself a winding road showing the reversed S formation of the plough) may have been contrived by cutting through what appears to be a large earthwork bank and both Church and the Cross Keys (possible Church Ales House) may have sat on the same area of raised ground. The field to the North is called Cross Field – a possible reference to a preaching cross which may have stood on this area of raised bank, coeval with the first missionary preacher converting the Saxons and native Welsh to Christianity.

**Slide 4**

The Kinnerley road sweeps around many bends of which that shown is but one – so marked in the landscape that the enclosure commissioners clearly could not erase them. On the flanking fields looking south towards the village there are faint traces of ridge and furrow. The map regression reveals that these fields became the common grazing in a post conquest era. The area is known locally as the Saxon Fields. The area bounding the east side of Heathwaen Lane was an early squatter settlement, erased by the time of the c1840 tithe map.

**Notes to accompany PowerPoint presentation ‘The Cross Keys, Kinnerley and Setting - The Inn on the Green’****Slide 5**

The Parish Hall sits at a much lower level than the Cross Keys (CK) and standing in the car park of CK reveals this. Although some levelling may have been done for the construction of the hall in 1957 the change in level is very tangible and CK clearly sits on a raised earthwork.

**Slide 6**

The Church is recorded as a missionary site and would have started life as a simple wooden hut accompanying a preaching cross. Thus its origin may precede the Synod of Whitby in 664 AD. Its position on a raised earthwork may be a statement of power/status.

**Slide 7**

Changes of slope are visible in the beer garden, higher ground (raised earthwork) at the rear and lower ground (the green) at the front. The earthwork at the rear may also thus be circa 600 AD.

**Slide 8**

Earthworks abound in the recreation ground behind the Parish Hall. The deposition of spoil from the construction of the Parish Hall cannot explain all of them.

**Slide 9**

Back Lane and the land on which Cleveland House (Manor House) stands are typical post conquest formations, i.e. a sweeping Back Lane around a raised ovoid shaped platform mirroring that on the opposite site (shop platform).

**Slide 10**

A substantial rampart type earthwork exists flanking Back Lane on its north-east side, traversing east-west and with a steep slope on its north side in an area called Banky Fields and bounded by Banky Lane (names which indicate the topographical format of the earthwork flanking Back Lane).

**Slide 11**

The Back Lane curves around the raised Manor House platform and the land on which it stands reads as a typical immediate post-conquest development, continuing to be defended by the rampart like feature in Banky Fields. The Mill site is at the end of Back Lane before it peters out into a mere footpath, to an area recently redeveloped and known historically as Coley Ancott (re-named ‘Anchor’ on the signpost). The name may be Old English in origin viz. the cottage of the charcoal burner (Cot=OE Cote – a cottage, hut or shed for animals and Coly=OE Colere meaning charcoal burner). The mill site is surely pre-Domesday, and awaits further exploration as the owner has given permission to take place to view the building and earthworks which he states are extensive on his land.

**Slide 12**

### Notes to accompany PowerPoint presentation 'The Cross Keys, Kinnerley and Setting - The Inn on the Green'

Buildings with an earlier origin/core circle the village green. The Church, Manor House, the rear of the present shop range of buildings – domestic and farm (the shop is an encroachment circa 1900) and Lilac House. **It is possible that the green extended as far as the Vicarage Garden and certainly included the beer garden to CK.** The present green is a restitution following the demolition of the Victorian school encroachment onto the green.

#### Slide 13

The primary key building is the Cross Keys, a medieval hall house with a Georgian frontage range, mirroring in date other buildings re-fronted at the same time (the Manor House and Enfield House) - an important factor to note as it indicates the relative farming wealth in the late 18<sup>th</sup>/early 19<sup>th</sup> C). The area proposed for housing to the west and east of CK is part of the village green and is important for the setting of the Cross Keys and the setting of the Church, linked to them by important historical precedent. The area to the front and east is gradually being reclaimed by grass once again as befits that which was part of the village green. The tarmac area for parking on the village green could be enhanced by reclaiming it as grass on a mesh or concrete-grid support so that parking could continue but its continuity with the village green surrounding the Cross Keys again becomes emphasised.

#### Slide 14

Post-medieval buildings, such as the shop and its farm buildings, around the green appear to show complete continuity with their earlier predecessors, all of which would have been small farms. The green would have acted as a secure animal pound overnight or in times of stress occasioned by nearby Welsh inhabitants engaged in cattle stealing etc.

#### Slide 15

The unfortunate subjugation of part of the village green to facilitate a road junction to modern highway standards **could be ameliorated by emphasising the green area around the Cross Keys (the beer garden to the west and greening of gravel to the east)** and greening the parking area abutting the reclaimed green. The road junction was the site of the village pond (shown on 1771 map). **Should the surrounding areas of the Cross Keys not remain green/be greened-up, the whole concept of the village green will be lost forever. It is essential not to be deluded by the presence of tarmac and gravel.**

#### Slide 16

Back Lane appears to have been artificially widened in modern times at its entrance as it leaves the village green and before it starts to skirt Banky Fields, presumably to facilitate modern farm traffic.

#### Slide 17

A Victorian rebirth of the village centre occurs long after what may have been shrinkage due to the Black Death, which left only the administrative Church, Church Ales House, Manor House and a small number of yeoman farmhouses. It takes the form of some encroachment onto the green by a School (now demolished in an attempt to reclaim the green) and a Smithy complex (now called Wyndham House). The smithy building still exists. Its proximity close to

**Notes to accompany PowerPoint presentation ‘The Cross Keys, Kinnerley and Setting - The Inn on the Green’**

the CK was no accident in a period when horses would need to be changed at the Inn and shod to make them fit for further travel.

**Slide 18**

Vicarage Lane is characterized by the 18<sup>th</sup> century vicarage, although this too may have an earlier core, late 18<sup>th</sup> C Hazlecroft, a yeoman farmhouse which may have an earlier core, and the e19<sup>th</sup> C Enfield House (may also have an earlier core) – all yeoman farmhouses which appear to have been new build along Vicarage Lane in a post Black Death era.

**Slide 19**

The Cross Keys has a rear range of c 1400AD with two sets of cruck trusses making a three bay hall, with a smoke blackened arch braced collar truss (braces removed), and part of a plank and muntin screen which may be of the same date or slightly later (such features fade out in Shropshire c1600 although they go on longer in SW England). There is an e17<sup>th</sup> C ceiling frame in what was latterly used as a kitchen (central bay west side of chimney) which may have acted as a Parish meeting room when the Church Ales house was in operation. It is unclear when the ‘Church Ales’ use ceased and it became the village inn (a possible replacement building for Church Ales is on the east periphery of the Churchyard) but it gained a frontage range in the e19<sup>th</sup> C and was licensed by c1810. Other features include e17<sup>th</sup>C panelling and possibly other features yet to be revealed. To date only limited inspection has been possible.

**Slide 20**

The illustration from a book on Timber Framed Buildings by FWB Charles, indicates how the Cross Keys may have operated in c1400.

**Slide 21**

This rare early map c1500-1600 indicates two buildings to the west of the Church with the road already cutting through. Both buildings have ecclesiastical gothic hinges indicating that they are in Church use. Such uses can only be a Church Ales House, and a Priest’s House. The building furthest from the Church is slightly larger and must be the Cross Keys medieval range with ceiling and fireplace inserted. The larger building would operate as a Church Ales House.

**Slide 22**

The potential fate of the Cross Keys prior to its recent listing is all too apparent, had it not been listed as being of Special Architectural or Historic Interest. This is the remains of the Penrhos Arms at Whittington.

**Slide 23**

The stable is quite substantial and is located opposite the village blacksmith indicating that horses were regularly changed and housed here etc. Its taking-in door for hay is visible in the gable.

**Slide 24**

### Notes to accompany PowerPoint presentation 'The Cross Keys, Kinnerley and Setting - The Inn on the Green'

The map regression has yet to be finalised in a neat 'graphics' format but is the result of hours of work comparing and contrasting all available early map evidence (can be viewed separately). In addition it is minus the change of slope in the beer garden (delineating the base of the earthwork bank upon which the medieval building sits) which has only recently become noticeable in low sunlight now the hedge has been removed (**removal of this hedge although an act of vandalism has enabled the beer garden to be once more read as part of the village green**). The frontage range sits on the village green itself.

#### Slide 25

The research on Kinnerley continues apace. Research to date indicates that the village was of considerable importance both in its inception and in the middle ages when it was a Marcher Lord 'stud' stronghold for war horses.

#### Slide 26

**The land around the Cross Keys is of fundamental importance for retention not only for the viability of the PH and the function of what is so clearly desired by the local population, i.e. a Community Hub, but also because it is the only remaining unmolested area of the village green. In addition the rear area may be part of a Saxon defensive earthwork (needing further fieldwork and aerial archaeological appraisal). The possible connection between this area of land and the Church is vital to retain visually, especially as viewed from the Argoed Lane access onto the village green, and both the land to the east and west of the PH is the important curtilage of the listed PH as well as that of the grade II\* Church. Listed buildings must retain their setting, particularly in an area of such high historic importance, if they are to have any meaning.**

### Cross Keys Inn, Kinnerley

Extracts from Land Registry Title Deeds for Title number SL78311 (downloaded via their website on 18 September 2013 and 11 February 2014)

#### 1 Extract of Title Register as at 18 September 2013

##### A: Property Register

This register describes the land and estate comprised in the title.

###### SHROPSHIRE

- 1 (19.09.1994) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Cross Keys Inn, Kinnerley, Oswestry (ST10 8DB).

##### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

###### Title absolute

- 1 (19.03.2012) PROPRIETOR: ADMIRAL TAVERNS LIMITED (Co. Regn. No. 5438628) of Milton Gate, 40 Chiswell Street, London EC1Y 4AD.
- 2 (19.03.2012) The price stated to have been paid on 18 January 2012 was £170,000.

#### 2 Extract of Title Register as at 11 February 2014

##### A: Property Register

This register describes the land and estate comprised in the title.

###### SHROPSHIRE

- 1 (19.09.1994) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Cross Keys Inn, Kinnerley, Oswestry (ST10 8DB).

##### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

###### Title absolute

- 1 (02.10.2013) PROPRIETOR: MALCOLM PAUL QUEST, CAROLE MARGARET QUEST and NIKKI LOUISE QUEST of The Warren, Long Common, Swindon, Dudley DY3 4PY.
- 2 (02.10.2013) The price stated to have been paid on 5 September 2013 was £245,000 plus £44,100 VAT.