



Appeal Decision

Site visit made on 14 August 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/Y2003/W/19/3230074

OS Field 5156, C204 Between Epworth and Owston Ferry, Owston Ferry

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Thomas against the decision of North Lincolnshire Council.
 - The application Ref: PA/2019/310, dated 17 February 2019, was refused by notice dated 22 May 2019.
 - The development proposed is the proposed erection of barn for agricultural use including storage of agricultural machinery and stabling of agricultural working horses (Shires).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a barn for agricultural use including storage of agricultural machinery and stabling of agricultural working horses (Shires) at OS Field 5156, C204 Between Epworth and Owston Ferry, Owston Ferry in accordance with the terms of the application, Ref: PA/2019/310, dated 17 February 2019, subject to the schedule of conditions to this decision.

Procedural Issue

2. The application form did not include an address of the application site, save for easting and northing coordinates. I have taken the address from the Council's decision notice which concurs with the address given by the appellant on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on heritage assets namely archaeological remains.

Reasons

4. The Council's Historic Environment Officer advises that deposits of early Medieval date are anticipated to be below ground at the appeal site. The Council's Historic Environment Records details that Saxon exhibits have been recovered from the area of the field within which the appeal site is located.
5. Furthermore, the Low Melwood Priory (the Priory) lies in close proximity to the appeal site and deposits associated with the Priory are also expected. The appellant disputes this given the distance and the presence of the intervening highway between the Priory and the appeal site. However, whilst deposits have been found a distance away from the appeal site, there is no evidence before me that substantiates that deposits do not exist at the appeal site. Therefore,

by reason of the above, the Council considers that the appeal site lies within an area where archaeological remains are possible and, on the basis of the evidence before me, I see no reason to take a different view.

6. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that as a minimum, where a site has the potential to include heritage assets with archaeological interest, a developer should submit an appropriate desk-based assessment and, where necessary, a field evaluation. No such evidence has been submitted and, in the circumstances, I am unable to conclude that the proposal would conserve any assets of archaeological significance.
7. Notwithstanding that the proposal may be possible without construction works disturbing the ground, the plans detail the frame of the structure situated on a base, which, appear to show the base positioned below ground level. Thus, I find there is no compelling evidence before me that the proposal will be constructed without any below ground works.
8. Whilst I find that remains of significance are likely to exist, I have had regard to the imposition of appropriately worded conditions to ensure that mitigation can be achieved to secure preservation of the archaeological remains by record. I find that a condition requiring a programme of site investigation, recording, analysis and publishing would enable the proper recording of any finds of heritage interest.
9. I am advised that a previous similar planning application at the appeal site did not specify concerns regarding archaeological remains and there have been other developments in closer proximity to the Low Melwood Priory. However, there is little information relating to the particular circumstances of those developments and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance. Moreover, I am not satisfied that these developments provide justification for failing to consider the current appeal in line with up to date planning policies.
10. Accordingly, I find that the proposal would broadly accord with the provisions of Policy HE9 of the North Lincolnshire Local Plan (2003) and Policy CS6 of the North Lincolnshire Local Development Framework Core Strategy (2011). Among other things, these policies require development proposals to preserve and enhance the rich archaeological heritage of North Lincolnshire.

Conditions

11. The Council suggested a number of conditions and I have considered these against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency or clarity.
12. In addition to the standard time limit, a condition specifying the approved plans is necessary as this provides clarity.
13. Conditions requiring details of an archaeological mitigation strategy within a Written Scheme of Investigation in addition to further conditions requiring the analysis, publication and dissemination of results and archive deposition to the North Lincolnshire Historic Environment Record prior to use of the development commencing is necessary to ensure the preservation, recording and archive of archaeological evidence.

14. A condition requiring notice of the date of commencement of the development and that the works are carried out in accordance with the approved Written Scheme of Investigation is necessary to ensure the preservation, recording and archive of archaeological evidence and to enable the local planning authority to monitor the works.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions within the schedule.

E Brownless

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: SLP 1a, BP1, PA/2019/310/01 Elevations Plan 1:100, PA/2019/310/02 Floor Plan 1:75, PA/2019/310/03 Frames Plan 1:100, PA/2019/310/04 Roof Plan 1:75.
3. No development shall take place until a Written Scheme of Investigation to include an archaeological mitigation strategy shall have been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) The programme and methodology of site investigation and recording;
 - ii) The programme for post investigation assessment;
 - iii) The provision to be made for analysis of the site investigation and recording;
 - iv) The provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) The provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) The nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
4. The developer shall give the local planning authority 7 days advance written notice of the start of any works. No development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 3.
5. The development shall not come into use until the site investigation and post investigation assessment has been completed in accordance with the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition has been secured.
6. A copy of any analysis, reporting, publication or archiving as required by the Written Scheme of Investigation shall be deposited at the North Lincolnshire Historic Environment Record within 6 months of commencement of development.