
Appeal Decision

Site visit made on 19 July 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/C1760/W/18/3210287

**Land adjacent to Bury Hill, Red Rice Road, Upper Clatford, Andover
SP11 7PU**

- 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 Liam Burden against the decision of Test Valley Borough Council.
 - The application Ref 18/01487/FULLN, dated 10 June 2018, was refused by notice dated 2 August 2018.
 - The development proposed is the change of use from agricultural to equestrian.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, 3 stable blocks on skis, a timber hay barn, a small close-boarded fence enclosure, and post-and-rail fencing were in place on-site.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the setting of the scheduled monument Bury Hill camp; and,
 - the landscape character of the area.

Reasons

The setting of the scheduled monument

4. The appeal site is an area of agricultural land which broadly encloses the south and west aspects of Bury Hill, on the summit of which remain the massive earthworks of two Iron Age hillforts, listed as a scheduled monument in 1925. The scheduled monument contains an example of a large univallate hillfort from between C5 and C3 BC, which was developed in around C2 BC to C1 AD to a bivallate hillfort, enclosing a smaller area of the summit of Bury Hill, commanding the surrounding plain and the River Anton and Pillhill Brook. The surviving earthworks reveal the monumental scale of the enterprise to build the forts, with banks around 5m high beside ditches up to 6m wide at the top.
 5. The list entry identifies the rarity of large univallate hillforts, with only 50-100 examples recorded nationally at the time of its designation. They are valued for revealing the organisation, manual skills, beliefs, and regional structure of
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Iron Age society more than 2,000 years ago. The monument has been investigated by excavation and survey, indicating below ground settlement remains, confirming the evidential value of its significance. However, its significance is not limited to its archaeology. The scale of the earthworks have illustrative value too in terms of their design and the social structure of the society which managed to build them. Their siting on the summit of Bury Hill, a prominent raised feature set in the surrounding lower lying landscape, and their command over the surrounding area also bring an aesthetic dimension to their significance.

6. The appeal site comprises a large part of the setting of the scheduled monument, which is defined by the National Planning Policy Framework (the Framework) as a designated heritage asset. The setting of the scheduled monument is an important part of its significance. Paddocks containing stables, fencing and an outdoor area, enclose it to the north-east, though I saw that the buildings and roads and paths associated with this are set well back from the earthworks. A mobile shelter and post and rail fencing occupy the relatively narrow land sandwiched between the south-east of the hill and the Red Rice Road. The streets and housing of Anna Valley extend close to the univallate extent of the scheduled monument but given the steepness of the hill on that side, the prominence of the scheduled monument is maintained, spatially.
7. The remainder of the land around the scheduled monument, from the south to the north-west has a gentle, curving slope broadening in space and gradient as it extends from the scheduled monument down into the surrounding fields and towards the Salisbury Road. Save for some field hedgerows and overhead power cable poles these open agricultural fields appear largely undeveloped and un-sub-divided by tapes or fencing. Their uncluttered, continuous and sweeping form provide a degree of tranquillity and isolation from buildings, activities, parking and the movement of traffic on the Salisbury Road from which the scheduled monument is visible.
8. The setting of the scheduled monument thus varies according to the condition of the land enclosing it, yet the spaciousness of each allows it to be seen in the landscape, making a positive contribution to its significance. Notably, it is the broad, sweeping open setting to the south and west, which encompasses the appeal site, that exposes the immensity of the earthworks of both phases of development of the forts and their striking scale in the landscape, revealing the illustrative and aesthetic significance of the scheduled monument.
9. I note that a substantial area of grassland would be left unenclosed. I also appreciate the appellant's point that the structures he has indicated such as the enclosure of the paddocks and the mobile stable blocks, which would facilitate the land use proposed, would rotate around the paddocks and do not in any case form part of this application for a change of use. Nonetheless, their provision is a realistic prospect given the areas of the paddocks and the remoteness of the site. Moreover, the appellant states that he intends to use the site as an equestrian centre, typically for the purposes of accommodating, training or competing of horses, and that the development will include structures such as mobile stables and fencing. I saw stable blocks already in place, and fencing erected, at my site visit.

10. The site is presently a 40-acre field. In my view, the development of equestrian use, and in particular the supporting infrastructure which would likely accompany it, in such proximity to the scheduled monument, would be insensitive to its spatial setting, described above. The development would be visible in close views through the opening in Red Rice Road and from more distant views from the Salisbury Road. The setting of the scheduled monument would be harmed, and its significance diminished.
11. I acknowledge the appellant's point that horses were used in the Iron Age. Also, that a horse harness and horse teeth have been excavated on Bury Hill and that the interiors of hillforts may have contained stores and small structures. However, there is no conclusive, substantive evidence before me that the hillforts at Bury Hill were equestrian centres. Even if they were, this aspect of their use is not the single contributing factor to their significance. Moreover, their physical and social context has changed. The forts are now valued as a part of the finite, fragile and irreplaceable legacy of the past.
12. The proposed development would therefore fail to conserve the setting of the scheduled monument placing it in conflict with paragraph 193 of the Framework. Against paragraphs 195 and 196, the magnitude of this harm would be less than substantial. This does not however equate to a less than substantial planning objection. Indeed, paragraph 193 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. Furthermore, paragraph 193 says that the more important the asset, the greater the weight should be given to its conservation.
13. The Framework notes in paragraph 194 that scheduled monuments are assets of the highest significance. As a scheduled monument, Bury Hill camp is among the highest order of designated heritage assets. The reasons for its designation reveal that large univallate hillforts, of which this is an example, are rare. Bury Hill camp has survived well and is a good example of its type. The designation, typological quality and rarity of the scheduled monument add weight to its conservation in national policy terms. I therefore accord very substantial weight to the harm in the planning balance.
14. Under such circumstances, policy E9 of the Local Plan 2011-2029 (LP) and paragraph 196 of the Framework require that this harm be weighed against the public benefits of the proposal. The site is presently in pastoral use. There may be habitat and ecological benefits from its equestrian use compared to intensive agriculture, which attract a moderate amount of weight as a public, environmental benefit. Sliding the timber structures on skis may reduce the risk of disturbing archaeology less than the ploughing associated with agricultural use, though given the previous agricultural activity, finds within the top 500mm of the ground are likely to be limited. I accord this only limited weight as a public benefit.
15. The appellant claims that the exercise of permitted development rights which include the erection of buildings, would be more harmful to the open setting of the scheduled monument than the proposed development. There is no substantive evidence that there is a greater than theoretical possibility that these rights would be exercised, and without the details of such development, it is not possible to make comparisons, or draw conclusions that a fallback exists or would be more harmful than this proposal. This limits the weight I can

attribute a fall-back as a public benefit. As I have found that the proposed development would fail to conserve the setting of the scheduled monument, the change of use and its management are not public benefits which attract weight. The improvement to the lifestyle of the appellant is not a benefit to the public at large.

16. The public benefits of the proposed development do not outweigh the very substantial weight to the harm to the setting of the scheduled monument and the diminution of its significance. As a result, the proposed development would conflict with the development plan and the Framework.

The landscape character of the area

17. In the wider, rural context of the site, and notwithstanding my conclusions above on the setting of the scheduled monument, the proposed use would not be incompatible in the countryside which includes equestrian and agricultural uses in this area. There is no evidence that the intensity of equestrian use or the amount of structures likely to accompany it would undermine the undeveloped character of the wider landscape. In this respect, I find no harm to the appearance of the immediate area and the landscape character of the wider area and no conflict with LP policy E2 which protects the landscape of the Borough.

Other Matters

18. I have noted the contents of the consultation responses from Historic England. Whilst it did not object to the planning application, it nonetheless identified some harm to the significance of the hillfort, which it described as not substantial harm. This reflects my assessment of harm which I concluded was, in the language of the Framework, less than substantial.
19. The appellant draws my attention to planning permission for a change of use of land at 5 Red Rice Road to equestrian use with an arena. However, I note that the permission included a condition for equestrian activities and ancillary equipment to be limited to a defined area well away from the scheduled monument.

Conclusion

20. I conclude that while the proposed development would not harm the landscape character of the area, it would harm the setting of the scheduled monument and diminish its significance. In the absence of public benefits to outweigh this, it would be in conflict with the development plan and the Framework. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR