
Appeal Decision

Site visit made on 6 January 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/B3030/W/19/3240910

Elston Lodge Farm, Lodge Lane, Elston NG23 5PG

- 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 Reacher, on behalf of Trent Tractors & Mowers Ltd, against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00231/FUL, dated 21 January 2019, was refused by notice dated 31 May 2019.
 - The development proposed is for the change use to tractor, mower, machinery repair commercial use, erection of storage building in connection with storage use of site and formation of new vehicular access from fosse road and retrospective permission for installation of hard surfacing.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Appellant has submitted a Heritage Impact Assessment¹, Scheme of Works and Archaeology Field Evaluation report in support of his appeal. I have taken this Assessment and the accompanying documents into account. This is on the basis that main parties have been given a reasonable timeframe to consider them and would not therefore be prejudiced by my doing so.
3. On my visit I observed that hardstanding had been installed on part of the appeal site. The proposal is therefore partly retrospective, I will take this into account in my decision.
4. The description of development was revised by the Council during the application consideration process. The Appellant has stated that the description has not changed but has nevertheless provided the revised description on the appeal form. I have used this revised description for clarity.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the countryside and the setting of the Registered Battlefield (Battle of Stoke Field), and
 - whether the proposal would affect underground archaeological interests.

¹ Heritage Impact Assessment - Neville Hall September 2019

Reasons

Character and appearance

6. The site is an open area of land to the side of a collection of workshop buildings and a dwelling. It is also adjacent to the highway and fields to its rear and open side. The site is bound by earth bunds, around 2 metres tall. The boundary to the highway includes a hedge of around 2-3 metres. The site consists of a combination of rough ground and hardstanding. On site, I observed that the site is used for car parking and the storage of agricultural vehicles, machinery, equipment and materials associated with the adjacent business. The site is relatively exposed to wider views although the earth bund limits direct views into it. The agricultural appearance of this parcel of land has been partly eroded by the introduction of hardstanding and the storage of commercial vehicles and equipment. The site makes a neutral contribution to the character and appearance of the area.
7. The Development Plan for the district includes the Newark and Sherwood Core Strategy (CS) (2011). Core Policy 13, of the CS, requires new development to positively address the implications of the landscape policy zones as defined by its accompanying Landscape Character Assessment². The Assessment identifies that the site is within the Elston Village Farmlands. This recognises a number of threats and drivers for change including the impact of further industrial development. This also defines the landscape as flat and provides open views to higher ground. It has a moderate landscape sensitivity in terms of views into and out of the area. The proposal would encroach into the countryside with a commercial use and its associated building. Due to the relatively exposed nature of the site this would substantially harm the existing open character of the site.
8. The proposed storage building would connect to the side of a building on the south boundary. It would also be lower than adjacent buildings. The proposal also includes the creation of an access and removal of part of the earth bund and hedgerow. There is some evidence on site that there appears to have been a historical access in this position. However, the proposed store would be highly visible from the Fosse Way, especially when approaching from the south. Therefore, although it would be read in front of existing buildings, it would add a significant additional mass to the built form and intrude into the identified open countryside. Subsequently, the proposal would represent a significant visual encroachment into the surrounding area.
9. Turning to matters of conservation, the National Planning Policy Framework (The Framework) recognises that great weight should be given to a heritage asset's conservation when considering the impact of development on its significance. Any harm to its significance should require clear and convincing justification and substantial harm, to assets of highest significance including registered battlefields should be wholly exceptional.
10. The Registered Battlefield Site (Battle of Stoke Field) is of high significance as a heritage asset as it was the location of one of the last battles of the War of the Roses. The Fosse Way marks the boundary of the designation to the west of the appeal site. However, the proposed works to the bund and access are relatively small scale. These works would therefore have only a negligible

² Landscape Character Assessment, Supplementary Planning Document 2013

impact on the setting of the Registered Battlefield with no change to its significance. Furthermore, the impact of the proposed store would also have only a negligible impact on the setting of the Registered Battlefield. The appellant's Heritage Assessment concludes that despite the close proximity of the designation, any archaeological activity and finds associated with this designated site would be of low significance. I have come to the same conclusion, and without any evidence to the contrary, have no reason not to accept these findings.

11. The proposal would not be small in scale and would be prominent in views from local views. The storage building would consist of materials that would complement the existing adjacent buildings and would not be substantially visible from the south, due to intervening buildings. However, it would be of a significant mass and it would be highly visible from long views along Fosse Way and from the wider countryside. It would be exposed to open views and not appear as a discrete addition. This would therefore be harmful to the local landscape character and the local countryside.
12. The proposed access and hardstanding, and the removal of hedge and bund, would have only a limited impact on the character and appearance of the surrounding area. However, taken in combination with the proposed store and commercial use, these works would result in a further harmful urbanising effect on the appearance of the appeal site.
13. Furthermore, Core Policy 6 of the CS seeks to help the economy of rural areas by supporting development for businesses that would meet local needs and be small scale. The proposal seeks to expand a rural business from 4 members of staff to 8 and would be close to its agricultural customers. The appellant asserts that the business fulfils an important social role, has a key role in the food supply chain and enables good access to the strategic highway network. However, the Appellant has not adequately explained how with-holding consent would prevent the business from being expanded within existing buildings. The Appellant has also not defined the specific contribution the business makes to the local rural economy. It is therefore unconvincing that the proposal would meet local needs or be of an appropriate small scale.
14. Accordingly, the proposal would not accord with Core Policies 9, 6 and 13 of the CS, which include seeking development to be of an appropriate form, to support rural diversification that would meet local needs and be in scale for its context to protect and enhance the landscape character. Furthermore, the proposal would not accord with policies DM5 and DM8 of the Newark & Sherwood Allocations & Development Management Development Plan Document 2013 (A&DM). These seek development to be of an appropriate scale and form to reflect local distinctiveness and to contribute to the local economy and be proportionate to the existing business.

Archaeological interests

15. The Framework requires developers to provide desk-based assessment and, where appropriate field evaluation, where development includes heritage assets with archaeological interests. During the application consideration Historic England identified³ that the site had a high likelihood of containing archaeological remains. The Appellant identifies that the proposed shed would

³ Historic England letter 25 April 2019

require a ground reduction around the edges of footprint, by 0.6m. This would accommodate a concrete raft foundation and an underlying hardcore. The identified archaeological potential is beneath the footprint of the proposed building and adjacent to the southeast roadside flanking ditch of the Fosse Way.

16. Archaeological assessment was undertaken to investigate the proposed footprint of the store. The Written Scheme of Investigation identified a reasonable methodology for the proposed trench investigation. This also included providing access for the County Council's Archaeologist during the investigation, although their attendance is unconfirmed. The Evaluation Report identified that mechanical excavation of a trial trench was undertaken, with archaeological supervision, within the footprint of the proposed store. It found no evidence of archaeological remains. The proposal therefore has a low potential to affect any surviving archaeological evidence.
17. The Report also investigated the area of the roadside ditch of the Fosse Way. However, it was determined that although this area had the greatest potential for finds, these finds would be of low significance. Furthermore, it was concluded that the proposal would have no impact on the fabric of the archaeological site with a negligible impact on its setting and significance. The evidence is compelling and uncontested by the Council. Consequently, I have found that the proposal would not affect archaeological remains in proximity of the identified heritage assets.
18. Accordingly, the proposal would satisfy Core Policy 14 of the CS which seeks amongst other things to protect historic landscapes. Furthermore, the proposal would satisfy policy DM9 of the A&DM, which seeks development to take account of its effect on the setting of sites with potential archaeological interest. These policies also accord with the relevant objectives of the Framework in regard to the assessment of the significance of heritage assets.

Other matters

19. The Grade II* Elston Towers and its Grade II former coach house are to the south of Elston Lodge Farm. I have a statutory duty⁴ to have special regard to the desirability to preserve the setting of a listed building. The significance of Elston Towers derives from its age, decorative architectural detailing and richly decorated interior. The significance of the coach house relates to its architectural detailing and relationship to Elston Towers. Due to the distance, intervening buildings and tree screening, the impact of the proposal on these buildings would be negligible. Therefore, the proposal would not affect the significance of the listed buildings and would preserve their setting.
20. The Fosse Way is to the immediate west of the site. This is an undesignated Roman Road of national importance. The proposed works would include the removal of part of the earth bund and hedgerow, but this would have only a negligible impact on the setting of the Fosse Way.
21. Additional screening could be secured by planning condition. However, due to the scale of the proposal the extent of required screening would be substantial which would harm the open character of the site. In any event, development

⁴ Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

should enhance the character of an area and not require to be screened to obscure its impact.

22. The Appellant identifies the security benefits of the proposal and that the site has been subject to theft in the past. On my visit I noted the range of agricultural equipment on the site. However, there is limited evidence in the submission that the site is subject to significant or sustained criminal activity. Therefore, this consideration alone would not be sufficient to outweigh the identified conflict with the Development Plan.
23. Paragraph 80 and 84 of the Framework lends some support to the proposal applying significant weight to the support of economic growth. It also states that some business needs may need to be provided beyond settlement boundaries. However, this objective is not without regard to the Framework as a whole. Furthermore, whilst agricultural diversification is supported by the Framework, the proposal exceeds such expectations and would be a disproportionate addition to the business.

Conclusion

24. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR