



Appeal Decision

Site Visit made on 27 January 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/Y2003/W/20/3255715

Land adjacent to Shirecroft, 34 Station Road, Epworth, Doncaster DN9 1JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs John Wainwright against the decision of North Lincolnshire Council.
- The application Ref PA/2019/1800, dated 23 October 2019, was refused by notice dated 13 February 2020.
- The development proposed is outline planning application for residential development including roads, sewers and means of access.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Wainwright against North Lincolnshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was made in outline with all matters reserved except access. I have therefore treated all plans as indicative, except in relation to the access.
4. There has been dispute between the parties in relation to the status of the site in the development plan. This currently consists of the saved policies of the North Lincolnshire Local Plan (NLLP) (2003), the North Lincolnshire Core Strategy (CS) (2011) and the North Lincolnshire Housing and Employment Land Allocations document (HELA) (2016). The appellants' contention is that the site sits outside the NLLP Policy LC14 designation (Area of Special Landscape Interest (AHSLI)). This is based on a plan sent to the appellants from the Council purporting to represent the most up-to-date position. This illustrated a change to the settlement boundary, ostensibly made as a result of the adoption of the HELA, and a different LC14 designation to that shown on the extract of the Adopted Policies Map set out in the Council's Committee Report and subsequently provided at my request.
5. Exceptionally, I asked for and accepted late comments from the main parties in relation to this matter. The Council indicated through this that the LC14 area shown on the plan sent to the appellants was a plotting error and, while the adoption of the HELA changed the settlement boundary, it did not affect the LC14 designation.
6. I have been provided with various documents, including saving directions, which provide something of a timeline. It is clear that the adoption of the HELA

led to the change of the settlement boundary. However, I have not been provided with any clear evidence, whether in the form of an extract of the relevant Inspector's report, consultation material, or any other document, which clearly states that the HELA also made any change to LC14 designation. I have also been provided with an extract of the Council's website which states that the HELA maps should be used in relation to settlement boundaries only. There is no suggestion that the HELA maps should be used for any other policy.

7. Based on the evidence before me, I therefore conclude that the designation as identified through the NLLP remains extant. I have noted the appellants' view that that the alteration of the settlement boundary must have had a consequential change on the LC14 designation. However, neither party has provided any documentary evidence that this is the case, nor can I assume one change follows the other. This is not least because I have no evidence relating to the reasons for altering the settlement boundary. Nevertheless, had the intent been to amend the LC14 boundary at the same time as the settlement boundary, I would have expected to see some formal recognition of this in relevant documentation. No such documentation is before me. I have therefore considered the appeal on the basis that the site is within the LC14 designation.
8. The appellants submitted a signed and dated S106 Agreement during the consideration of the appeal. I shall return to this matter below.

Main Issues

9. The main issues are the effect of the development on (i) the character and appearance of the area, including the setting of nearby listed buildings, and (ii) archaeological remains.

Reasons

Character and appearance

10. The appeal relates to an area of open grassland to the side and rear of housing fronting Station Road and a former farmstead, which includes the two Grade II listed buildings of Field House Farmhouse and the Barn at Field House Farm (also referred to in the documentation as the 'Threshing Barn'). Beyond the northern boundary, the fields slope gently at first, before a steeper gradient leading to the top of the hill. The prominent feature of the Grade II listed Maw's Mill windmill is clearly visible on the ridge above the site. The appeal site sits firmly within the settings of all three listed buildings.
11. Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 states that special regard must be given to the desirability of preserving the setting of a listed building. This is largely reflected in paragraph 193 of the National Planning Policy Framework (the Framework) which states that great weight should be given to the conservation of designated heritage assets.
12. The significance of the farmhouse and barn lie in their age, architectural quality and local historic interest. Even accounting for changes to their appearance over time, they both represent good examples of vernacular nineteenth century farm buildings. Their significance is enhanced by their historic functional relationship with each other, as well as the visually prominent and impressive windmill which sits above the site. This was ostensibly built by the Maw family to serve the farm and thus there is a strong historical connection between the buildings. Notwithstanding development on Station Road and either side of the

site, its open nature still provides an opportunity to view and appreciate the listed buildings in something akin to their original open countryside setting.

13. The evidence also suggests that Field Farm was established by the amalgamation of strip fields in Ellers Open Field, which forms part of the ASHLI. Whether part of the formal designation or not, the farm buildings and the windmill help to 'tell the story' of the area, illustrating the changing nature of the local historic landscape. The relationship between the listed buildings and the wider historic landscape therefore add to their significance and group value.
14. Although layout and appearance are reserved matters, I must be satisfied that there is a reasonable prospect that an acceptable form of development could be achieved. The illustrative plans identify either 19 or 20 dwellings, depending on the layout. While the number of dwellings is indicative only, these are a reasonable guide for considering the potential impact.
15. The site has ostensibly been used as a touring caravan site. No caravans were on the site at the time of my visit, but I saw some evidence of the use in terms of outbuildings. However, most of these are outside the boundary of the site. Without the caravans the site is an open area of grassland. Though clearly not in the agricultural use of the fields immediately to the north, there is nevertheless a clear distinction from the edge of the main built form on Station Road. This open nature is not diminished by the industrial estate or modern housing to either side of the site when viewed from public rights of way (PROW) to the west and north.
16. The modern development does however affect the degree to which the former farm buildings can be appreciated from Station Road. The development would lead to the complete enclosure of the Farmhouse and Threshing Barn. This would entirely sever the link between these two buildings and the open countryside beyond. Even if the site were to continue to be used for caravans, these are temporary incursions into the open space and would not have the same impact on local character as permanent dwellings.
17. The significant change in context would be particularly prominent from the public rights of way (PROW) which run along the western side of the site and parallel to the site near the ridge of the hill. Existing views from these locations allow the listed buildings to be appreciated within the context of the open area to their rear and the uninterrupted swathe of land up to and beyond Maw's Mill. The development would be highly prominent in views from these points and would permanently sever the visual and any historic functional link between the farm buildings, the site and Maw's Mill. The provision of a narrow 'viewing corridor' to the windmill, would not provide sufficient mitigation for the overt urbanisation of the site. This is particularly the case if this corridor were to be combined with a field access, as shown on the illustrative plans, as any sense of its purpose would be lost.
18. Moreover, while the new access and housing would give future occupants the opportunity for closer views of the buildings, this would by no means mitigate the unsympathetic impact on the setting of these buildings from wider vantage points.
19. There have been some alterations to the Farmhouse, including a large flat roof extension which is clearly visible. This is a somewhat unsympathetic addition. However, this does not alter the fact the building remains a good example of a

- vernacular farmhouse. Even if the principle elevation is to the south, this does not undermine or diminish the importance of the land to the north in terms of its functional historic relationship with the farm and wider agricultural landscape. That this elevation is largely screened from Station Road does not justify the development which would have a similar enclosing impact on the northern elevation. Indeed, if anything, the effect that existing development on Station Road has had on the setting of the building increases the importance of maintaining the more open aspect to the north. Development of the site would serve only to exacerbate existing harm to the appreciation of the building.
20. The Threshing Barn has been converted to residential use. This has introduced a degree of domestic paraphernalia and alteration which has had a minor impact on the appearance of the building and its curtilage. Nevertheless, it still retains its original plan form and its overarching agricultural character remains intact. Again, I see no reason why the orientation of the building should diminish the importance of the site to the setting of this building. Whatever development may have previously been on the site, I must consider the building and its setting as it exists today. Contrary to the appellants' assertion, the barn therefore remains a prominent feature, particularly when viewed from the nearby rights of way.
21. The creation of a buffer of indeterminate size between the barn and any dwellings would not provide sufficient mitigation for the enclosure of the barn. It is unlikely that a small landscaped strip of land or open space would be appreciated as a means of seeking to retain a sense of the agricultural history of the site or farmstead. It would also provide insufficient mitigation for the effect on the appreciation of the building from the rights of way, particularly that which runs near to the ridge of the hill.
22. The development would therefore have a severe detrimental impact on the appreciation of the former farmstead buildings in their setting, thus exacerbating the impact of modern development on Station Road. Maws Mill would still stand out as a prominent landmark above the site. However, the development would represent a large and prominent incursion into the open area between the listed buildings, thereby enclosing the farmstead buildings and severing the visual link with the windmill. Any sense of a historic functional link between the buildings would be substantially diminished or completely lost. This would constitute clear harm to the settings of the listed buildings.
23. As indicated above, I am satisfied that the site lies within the LC14 designation. This denotes the Isle of Axholm Area of Historic Landscape Importance. The area includes what are considered nationally important areas of medieval strip fields. The parties have drawn my attention to a relatively recent appeal which considered development in this area. The Inspector in that case considered this area should be considered as a non-designated heritage asset. I see no reason to follow a different approach.
24. As noted above, although the site itself does not include clear evidence of strip fields, it remains part of the setting of that wider landscape and is indicative of the evolution of the area from an open unenclosed environment to one of enclosure and the changing nature of agriculture. The supporting text to Policy LC14 also highlights that enclosed land and the overall settlement pattern remain an important element of what makes the area unique. The lack of evidence of strip fields within the site, or its perceived separation from what

the appellants consider to be the main area of Ellers Field today, does not therefore detract from the importance of the site to the character and setting of the historic landscape.

25. Nevertheless, I have had regard to the fact that views of the site are largely limited to the public rights of way and in glimpsed views in gaps on Station Road. The site is also not visible from the area beyond the ridge, where the current landscape character differs significantly. The development would also not extend beyond the industrial estate to one side of the site, or recently built housing estate to the other. These factors provide a degree of mitigation to the impact on the wider historic landscape.
26. However, the presence of the farmstead buildings and clear visual link to the windmill mean that development of the site would have a different impact to that on either side of the site. There seems to be no dispute that modern development and encroachment has resulted in some loss of character. In my view, the urbanising encroachment into the open and undeveloped land would also serve only to exacerbate this harm. The enclosing of the farmstead buildings and the severing of the visual connection between them, the windmill and the wider landscape would all contribute to a negative impact on local character, including the setting of the historic landscape.
27. While I acknowledge that the proposal is in outline and both design and layout are reserved matters, neither the illustrative plans, nor the appellants' suggested mitigation measures, provide sufficient comfort that an acceptable means of developing the site as a whole could be achieved. I therefore find that the development would fail to preserve or enhance the setting of nearby listed buildings and would cause unacceptable harm to the character and appearance of the area, including the setting of the historic landscape. Accordingly, there would be conflict with CS Policy CS6 and NLLP policies LC7, LC14 and HE5. Amongst other things, these policies seek to ensure the protection of designated heritage assets and protect the character, appearance or setting of the historic landscape.
28. In coming to my conclusion, I have had regard to the appellants' heritage statement. While I concur with its conclusion that development would result in 'less than substantial harm', for the reasons given above, I find the assessment substantially underplays the degree of harm that would be caused and overestimates the contribution that suggested mitigation measures, such as landscape buffers and visibility corridors, would play. Nevertheless, in this context, paragraph 196 of the National Planning Policy Framework (the Framework) still requires me to weigh the harm against any public benefits of the proposal. I shall return to this below.

Archaeological Remains

29. The Council's concerns in relation to archaeology were that it considered insufficient information had been submitted to allow them to assess the significance of any remains, the impact of the development or whether mitigation measures were necessary or adequate. To address this, the appellants have submitted additional evidence relating to archaeology with the appeal.
30. Given the history of the area, and the undeveloped nature of the site, the assessment concludes that there is some potential for buried remains. It also

concludes that further archaeological work would be required, but that this could be dealt with through conditions. The Council has not disputed this.

31. There is no strong evidence to suggest that development would result in undue harm to archaeological remains. Based on what is before me, I am therefore satisfied that had I been minded to allow the appeal, this issue could have been satisfactorily addressed through the use of suitably worded conditions requiring further investigation, recording and analysis and/or preservation of any remains that might exist. Accordingly, there would be no conflict in this regard with CS Policy CS6 or NLLP Policy HE9 which seek, amongst other things, to protect sites of known archaeological remains.

Other Matters & Planning Balance

32. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. This is reflected in paragraphs 2 and 12 of the Framework. Notwithstanding the site's location within a defined settlement, the harm to the setting of heritage assets and local character is sufficient for the proposal to conflict with the development plan when considered as a whole.
33. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing land. The Council's evidence suggests the supply stands at around four years. The appellants have not disputed this figure. This means that for the purposes of national policy, the policies for the provision of housing are out-of-date. Paragraph 11d of the Framework states that in this context, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed¹. Footnote 6 explains that the protection of heritage assets falls into this category.
34. I have found that there would be less than substantial harm to the significance of nearby heritage assets. As noted above, I must weigh this harm against the public benefits of the proposal. The indicative plans indicate that the development would provide up to 20 dwellings. In the context of the Council's housing land supply, this would be a clear public benefit. Given the likely scale of development and degree of undersupply, I have given moderate weight to this factor.
35. There would be associated social and economic benefits from the provision of new homes, including additional support for local businesses, services and facilities. It would also provide short term economic benefits in relation to the construction industry. I also acknowledge that the site is located within a defined settlement boundary and is considered a sustainable and accessible location. While I have regard to the fact that all residential development is expected to be in such locations and compliance with policy in this regard is not out of the ordinary, I have still given moderate weight to these factors.
36. The submitted S106 agreement requires 20% of the dwellings to be provided as affordable homes, financial contributions to be made toward education and local recreation and ensures the provision of open space in any subsequent reserved matters applications and provisions for its management, including the

¹ See paragraph 11d(i) of the Framework

potential for financial contributions. I am satisfied that the obligations meet the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework and I have thus taken them into account.

37. Based on an assumed yield of up to 20 dwellings, the obligation would secure 4 affordable homes. This is a public benefit which weighs in favour of the proposal. However, given the numbers involved, I consider this only provides moderate additional benefits over and above those of the general housing provision. The other obligations are required for mitigation only and thus are generally neutral. While on-site open space and improvements to recreation and education provision might also benefit existing residents, these would primarily be required for mitigation thus any wider benefits would be extremely limited in nature. There has also been no suggestion that the area has a deficit of school places, open space or recreation provision to meet existing needs.
38. There are no other public benefits resulting from the development. Though no objections were raised about other planning matters, a lack of harm in these respects would be neutral and weigh neither for nor against the proposal. Given the nature and severity of harm that would be caused, I am not persuaded that the public benefits of the development would outweigh the less than substantial harm caused to the significance of the heritage assets in the area. The development would therefore conflict with the provisions of the Framework with regard to heritage assets. Consequently, the policies of the Framework provide a clear reason for refusal. On this basis, the so-called 'tilted balance' set out in paragraph 11d(ii) of the Framework does not apply in this case.
39. I do not accept the appellants' argument that amendment of the settlement boundary to accommodate the site means that the Council must have considered development of the site to be acceptable. There is no clear evidence which provides any indication that the settlement boundary was amended with development of the site in mind. Moreover, even if the settlement boundary policy provides support for development in principle, any proposal must still be considered against a range of other policies and any other statutory duties. There is no substantive evidence which suggests these detailed matters were considered in relation to the redrafting of the settlement boundary.
40. The appellants have raised concerns about how the Council dealt with the application. Where relevant to the decision, I have addressed these matters above. Other issues are largely between the main parties and have had no bearing on my decision. In any event, I have come to my own conclusions based on the evidence before me and my own observations of the area.
41. Having regard to the foregoing, the benefits of development do not outweigh the harm that would be caused and there is no other justification for setting aside the conflict with the development plan. I therefore find that there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

Conclusion

42. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee INSPECTOR