



Appeal Decision

Site visit made on 14 June 2021

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

Appeal Ref: APP/A1530/W/20/3255936

Rumbles, Shop Lane, East Mersea, Colchester CO5 8TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by the Richardson Brothers against the decision of Colchester Borough Council.
 - The application Ref 200887, dated 28 April 2020, was refused by notice dated 22 May 2020.
 - The development proposed is a general purpose storage barn.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 grants planning permission for new agricultural buildings on units of 5 hectares or more. This is subject to limitations and conditions. Paragraph (2) requires that the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
3. The Council determined that prior approval is required, and this has been refused on the basis that the siting of the building would affect a non-designated heritage asset.
4. The prior approval matters under Part 6 Class A allow for the impact of development on heritage assets to be considered.

Main Issue

5. The main issue in the appeal is the effect of the siting of the proposed building on the non-designated heritage asset.

Reasons

6. The proposed building would be sited on the appellant's farm holding next to a recently constructed building. The Council had no objection to the design and external appearance of the proposal.
7. The historic environment record identifies the existence of a late iron age or Roman saltern, or red hill on the appeal site. This is one of a number that were surveyed in the 1980s by the Colchester Archaeology Group, the results

of which were published in 1990. Red hills are present around the Essex coastline and can be identified by the red earth which is a result of the clay structures that were used to evaporate sea water and produce salt being scorched by fires. The location of the heritage asset together with other nearby similar assets is identified on a map provided by the appellant.¹

8. There is no evidence before me of any further archaeological investigation having been carried out on the appeal site or on adjoining land. No such investigation was undertaken in respect of the adjacent barn, despite advice having been given by the Council's Archaeological Officer. Clearly, the significance of any remains cannot be understood until such an investigation is carried out.
9. The Archaeological Officer has advised that excavations of other red hills in the county have produced well-preserved structural features surviving as below-ground remains relating to early salt production as well as large quantities of finds and that it is possible that similar remains will be present at this site.
10. Although information about the heritage asset is limited the information that is available follows a survey by an expert group. The appellant has expressed doubt as to the existence of the asset and states that no evidence of a red hill has previously been found from excavations in connection with construction of the adjacent building or from previous ploughing of the land. It would however be necessary to carry out further archaeological investigation by an appropriately qualified expert in order to conclude on the existence or otherwise of a red hill.
11. While I note the appellant's comment about the distance of the site from the shore, it is similarly located to the other sites shown on the map in this respect. I find no reason to doubt the accuracy of the previous survey findings.
12. For these reasons, further archaeological survey work is required in order to establish the significance of any below-ground remains and the effect of the development on any such remains. If the building were to be constructed in the absence of such further investigation, not only would the opportunity for archaeological investigation of the appeal site be lost, the development could potentially result in harm to any remains that may be present.
13. In the absence of conclusive evidence to the contrary, the siting of the proposed building would have potential to harm the identified non-designated heritage asset.
14. For these reasons I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

¹ Ref PLG 4