



Appeal Decision

Site visit made on 1 September 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/K2420/W/21/3286965

Oldlands, Fenn Lanes, Dadlington CV13 6DS

- 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 Farhad Tailor against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/01003/FUL, dated 23 September 2020, was refused by notice dated 14 June 2021.
 - The development proposed is an indoor menage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would cause harm to or loss of significance of the Registered Battlefield 'Battle of Bosworth Field'.

Reasons

3. This Registered Battlefield covers the site of the Battle of Bosworth, which was fought in 1485 and was a battle of great importance in the nation's history. It was the last significant conflict in the Wars of the Roses, and it marked the end of the House of Plantagenet and the start of the Tudor dynasty, as Richard III was killed, and Henry Tudor became Henry VII.
4. It appears there is still some uncertainty about exactly where, within the Registered Battlefield, the various events before, during, and after the battle took place. Moreover, the landscape has altered much over the intervening years, with some of the more notable changes being the greater sense of enclosure with hedges and trees, differing agricultural practices, the draining of areas of marshland, the building of a railway and a canal, and the erection of various modern buildings. Despite these points though, the topography is still readily apparent, as a central valley with slightly higher land around, most notably to the north and south. It also retains its character and appearance as a largely undeveloped, open, rural landscape, while there is an archaeological value as informative artefacts continue to be unearthed. Consequently, despite the lack of clarity about exactly where events unfolded, and even though changes have occurred in the meantime, an appreciation of this important battle is still possible, especially when looking from the higher land. Therefore, to my mind the significance of this Registered Battlefield lies in its topography, its landscape, and its archaeology.

5. Oldlands is in the Registered Battlefield, and comprises a sizeable 2-storey house and various adjacent outbuildings, with hedging and trees around. The proposal would be built next to the existing buildings on the east side of the group.
6. The menage would be a relatively sizeable structure. It would be concealed to some extent by existing planting, but given its height and scale, and mindful too of the rising land to the south, the effect of this in screening the building would be limited. Moreover, while this existing planting is to be supplemented in order to enhance its role, I have received no details of the form this would take, so cannot assess its effectiveness as a screen or its suitability in this landscape.
7. The building would be visible when on the public footpath from Dadlington that runs down the north-facing slope to Fenn Lanes. From this elevated position the Registered Battlefield is laid out before the viewer, and so it is a good vantage point to appreciate the battle and gain an understanding as to how it unfolded. Indeed, Lord Stanley's army quite probably observed part of the battle from on this slope as it rises to Dadlington and Stoke Golding, and so this view could well be of some importance. The proposal would also be visible when coming down Shenton Lane to the west of the appeal site, and would no doubt be apparent from other elevated land around as well as from private fields nearby.
8. To varying degrees, from these viewpoints I consider that introducing this large building into the landscape would detract from its open, rural character and appearance. As a result, the development would further change the landscape from its state at the time of the battle. Therefore, it would not better reveal the historic significance of the area or even have a neutral impact in this regard, but rather it would erode, diminish, and impede an understanding and appreciation of the events. I therefore find it would cause harm to the asset's significance. However, the building's extent means I consider this harm would be less than substantial.
9. A concern has also been raised about the effect of the development on archaeology, but on the evidence before me I have no reason to consider that could not be addressed by condition.
10. The appellant said the development would be on a peripheral part of the battlefield and would have no impact on an appreciation of the course of the battle. As stated though, there is still a degree of uncertainty as to where the battle and its surrounding events unfolded, and so I cannot be confident this area did not have a greater involvement than the appellant said. In any event, even if Oldlands was not one of the foci of activity, parts of the Registered Battlefield that are more peripheral have an important role to play in providing a setting and a context for the areas that were more pivotal. For the reasons given above I consider the scheme would have a harmful effect in this regard.
11. My attention was drawn too to a car testing track and various large agricultural buildings elsewhere in the Registered Battlefield. I have limited knowledge of the backgrounds to those cases. However, previous Council approvals are not necessarily binding on my decision, and, on the evidence before me, I see nothing in those other developments that leads me to find this proposal would not cause less than substantial harm to the asset.

12. Moreover, the menage would not be within the existing cluster of buildings at Oldlands, but rather would be adjacent to it, extending that group eastwards. As a result, it would not be consolidating the group or tucked within a collection of buildings that already exists, but would be increasing the effect that development at Oldlands would have on the landscape. The presence of the group therefore does little to soften or mitigate the menage's impact.
13. The *National Planning Policy Framework* (the Framework) identifies registered battlefields as among the heritage assets of highest significance. It says that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm to its significance requiring clear and convincing justification. It adds that if less than substantial harm is identified, it should be weighed against the scheme's public benefits. This is broadly reflected in Policies DM11 and DM12 of the Council's *Site Allocations and Development Management Policies DPD* (the DPD).
14. The menage would be for private use by the appellant, but I recognise it has a value in being useable irrespective of the weather and the daylight. Any benefit from such matters is, to my mind, private rather than public. Moreover, these points do not offer a clear and convincing justification for the scheme in the face of the harm identified.
15. There may be economic benefits during its construction, but these would be slight and temporary. I recognise that some of the larger farm buildings in the Registered Battlefield might have been justified, at least in part, on the basis that they were needed to maintain the agricultural nature of the landscape. No such contentions are before me in this instance though, so even if that was given weight at those other properties it is not applicable to this appeal. I am aware of no further public benefits that would outweigh the harm.
16. Accordingly, I conclude that the proposal would cause less than substantial harm to the significance of the Registered Battlefield 'Battle of Bosworth Field', for which no clear and convincing justification has been offered. In the absence of any public benefits to outweigh this harm, the proposal would conflict with Policies DM11, DM12 and DM13 in the DPD, which seek to protect and enhance the Borough's heritage assets, and guidance in the Framework.

Conclusions

17. I therefore conclude the appeal should be dismissed.

JP Sargent

INSPECTOR