



Appeal Decision

Site visit made on 1 November 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/B3410/W/21/3285282

Septimus, 7 Castrum Court , Rocester ST14 5PL

- 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 Ian Bamford against the decision of East Staffordshire Borough Council.
 - The application Ref P/2021/00476, dated 29 March 2021, was refused by notice dated 22 July 2021.
 - The development proposed is Retention of the creation of a car parking area and associated engineering works
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal process was delayed in order to enable the appellant to arrange for an independent heritage statement to be submitted, but nothing has been provided.
3. Enforcement issues around the use of the site are raised within the evidence but these are not before me.
4. Although the Council has not found harm in relation to the nearby listed buildings, it has highlighted their presence. As I have a statutory duty to take all heritage assets affected by the development into account, I have included these listed buildings in my reasoning. Given there has been opportunity for the appellant to submit an independent heritage assessment I am satisfied that this does not prejudice the appellant.

Background and Main Issues

5. The Ancient Monuments and Archaeological Areas Act 1979 (the Act) sets out that scheduled monuments are designated heritage assets. They are by definition of national importance. Paragraphs 199 and 200 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of designated heritage assets, and that any harm to the significance of those assets, or development within its setting, requires clear and convincing justification.
6. Castrum Court is a cluster of converted barns and outbuildings located within the Scheduled Ancient Monument known as Rocester Abbey and part of Roman Town. Works to create a parking area within the plot of 7 Castrum Court (No 7) have been partly implemented and as such the appeal is in part retrospective. The works were undertaken without Scheduled Monument

Consent contrary to Section 2 of the Act. The appeal site bridges the Rocester Conservation Area boundary and there are also two listed buildings in the vicinity.

7. The main issues are therefore:

- Whether the development would have a harmful effect on the Scheduled Ancient Monuments (SAMs) known as Rocester Abbey and part of Roman Town, and The Cross; and,
- Whether the development would have an adverse effect on the setting of the Rocester Conservation Area (RCA), and the settings of the Grade II listed St Michael's Church and The Old Vicarage.

Reasons

Heritage Assets - Scheduled Ancient Monuments

Rocester Abbey and part of Roman Town

8. Roman forts served as permanent bases for auxiliary units of the Roman army, mainly constructed between the mid-first and mid-second centuries AD. The forts are of particular significance to the understanding of this period of Britain's history as well as reflecting the strategic aims of the Roman government. The Historic England listing for this site states that all Roman forts and small towns with surviving archaeological potential are considered to be nationally important.
9. The Rocester Abbey and part of Roman Town SAM (Rocester Abbey SAM), within which the site sits, is an extensive area located on the east of Rocester. It contains the buried remains of part of a Roman fort and Roman settlement as well as the medieval site of Rocester Abbey, a large open pasture, and Castrum Court.
10. Previous excavations at the western end of the designation, where the appeal site is located, have revealed remains of a rampart and an annex to the fort, and a dense scatter of Roman pottery. They also indicated that the site corresponds with the location of a medieval and Roman road. Remains were present at a depth of around 150mm.
11. The shape and alignment of No 7's garden also reflects the former alignment of the rampart, which has informed the town's later spatial layout. Number 7's current side garden area, also described as a paddock, has been historically undeveloped and has remained as a visual and spatial indicator of the town's former layout.
12. I conclude that the Rocester Abbey SAM has evidential value arising from the known archaeological remains and the potential for other buried remains dating from the Roman and medieval periods and that it also reflects the military, ecclesiastical and social evolution of the town. The significance of this SAM therefore arises from value in providing information regarding the history of the area, the Roman occupation, building methods and day to day living.
13. The appellant has queried Historic England's (HE's) assessment of the significance of the SAM, but in the absence of an independent assessment I see no reason to disagree with the national listing or the reasoning behind the significance as set out by HE.

The Cross

14. The medieval cross located to the north of the parish church is also a scheduled monument. Although unaffected by the development, its proximity to the forts and the abbey remains highlights the importance of this area in relation to the origins and development of the town. Its significance is derived from its intact historic material, and its spatial relationship with the other remains in the Rocester Abbey SAM.

Heritage Assets - Listed buildings

15. The Grade II listed St Michael's Church, which dates from the 13th century, is located to the east of Castrum Court and is viewed from Mill Street across a large expanse of pasture. This provides a near rural setting despite proximity to the town's tight urban grain. The views of Castrum Court from the south, which has retained a vernacular appearance and modest scale, reinforces this distinct rural character and sense of place.
16. The Old Vicarage is a mid-18th century red brick vicarage with a hipped clay tile roof located to the immediate of the Rocester Abbey SAM. The significance of these two buildings is derived from their intact historic fabric and their spatial relationships with the other heritage assets in the area. These provide reciprocal and overlapping influences on the settings of those assets.

Heritage Assets - Rocester Conservation Area

17. Neither party has provided particular evidence in relation to the effects of the development on the RCA. The RCA is largely open space but includes most of Castrum Court, and a wide swathe of open land stretching from Mill Street in the south, to and including the churchyard to the north. It includes a large proportion of the Rocester Abbey SAM, including the Cross, as well as St Michael's Church and the Old Vicarage.
18. Castrum Court is a pleasing conversion of former outbuildings, and there is an openness and spaciousness arising from the buildings' low height, simple form and the proximity of open land to the south of the church. The appeal site also provides a buffer between Castrum Court and the noticeably tighter building pattern of the town to the site's immediate west.
19. The appeal site sits close to the RCA's western boundary and reinforces the importance of the openness contained within the RCA itself and its inherent relationship to the town's early development. As such it contributes to the setting of the RCA. I conclude that the significance of the RCA arises from the underlying building pattern, the high proportion of intact period buildings and the relationship between the building pattern and configuration of retained open space.

Development and effects

20. The completed works for access and parking have included the excavation of grass and subsoil in this garden area, and the laying of around 75mm of stone base. The application indicates that the full depth of the works would be up to 270mm deep. I did not excavate the parking area at my visit but there was a transit van parked. This suggests that sufficient stone has been laid to provide a surface capable of taking vehicular loads. I also noticed that the excavated level was well below the base of the fence-line of the adjoining garden. There

is nothing before me to indicate that this has not always been the case, but the timber sleeper retaining edging appeared new.

21. The appellant argues that the material excavated thus far was builders' rubble, but there is nothing before me to substantiate that argument, or to indicate that the material was screened or the operations carried out under conditions likely to identify or safeguard any buried remains.
22. Moreover, even if I accept that the grassed area has been established on imported material, there is nothing before me to indicate the depth of that imported soil, or to confirm that excavation to a depth of some 270mm would not disturb any underlying remains. In any case, in 2003 an investigation by the Council regarding activity in this area concluded that *it is unlikely that below ground archaeology has been disturbed*.
23. As such, I conclude that the ground has been excavated and disturbed and that remains might have been destroyed. I conclude that the harm arising from the development amounts to less than substantial harm to the Rocester Abbey SAM, and at the very highest end of that scale.
24. The intrusion of a parking area into the open space that separates the RCA from the wider adjoining building pattern would also detract somewhat from the prevailing openness of the RCA and its setting. This diminishes the significance of the RCA and represents less than substantial harm. However, that harm would be at the lower end of the scale of less than substantial harm.
25. There is very little or no intervisibility between the listed buildings and the parking area. Nonetheless, the evidence before me indicates that there is a complex spatial relationship between the site and the nearby designated heritage assets. The openness of the site and lack of development makes a positive contribution to understanding and appreciating that relationship, and therefore contributes to the setting of both listed buildings. As such I conclude that the development represents less than substantial harm in relation to the setting of the listed buildings, albeit at the lower end of the scale.
26. In the light of the above, I conclude that the development has had a harmful effect on the Rocester Abbey SAM. This would be contrary to Section 2(1) of the Act, as well as Policies SP25 and DP5 which taken together, set out to protect, conserve and enhance heritage assets.
27. The harm to the setting of the RCA would be contrary to Policies SP25 and DP5 as set out above. The harm to the settings of the listed buildings would be contrary to those same policies as well as Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires the decision maker to have special regard for the setting of listed buildings.
28. The development also conflicts with Paragraph 194 of the Framework which requires the applicant to describe the significance of heritage assets likely to be affected by an application, to a level of detail proportionate to the assets' significance.
29. Paragraph 202 of the Framework sets out that where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, and Paragraph 199 of the Framework states that great weight should be given to an asset's conservation, irrespective of the degree of harm. Any benefits arising from the development would be private. As such,

there is nothing before me to indicate that there would be any public benefits sufficient to outweigh the substantial harm which would arise cumulatively to the Rocester Abbey SAM, and the settings of the listed buildings and the RCA.

Other Matters

30. The S106 agreement that accompanied the application for the development of Castrum Court required the land to the west of No 7 to remain as grazing land. The Council notes that the land was shown as residential curtilage on a 2012 application for a two-storey extension, and this was given permission. However, the current status of the land in planning terms does not alter my reasoning with regard to the SAM, RCA or listed buildings. The appellant advances the argument that *nothing in the Deed shall be considered as prohibiting or limiting any right to develop ANY part of the land if planning permission is granted*. However, this application has been determined as part of established planning procedures and permission has been refused.
31. The appellant argues that the original development required the removal of surface soil to create boundary bunds, which would have disturbed any archaeological remains in the 1990s. However, the S106 permission which accompanied that permission, prohibited excavations within a particular area which the evidence indicates is the appeal site. It also required a layer of soil and grass to be maintained on that area to protect archaeological remains.
32. Procedural concerns are raised in relation to the Council handling of the application but these are not determinative to my reasoning.
33. The statement of case refers to an improvement in highway safety through the use of the plot for parking and turning. However, although there is a letter of support noting that the development would keep vehicles out of sight, there is nothing before me to indicate that the current arrangements present a safety risk. As such I give this argument no weight in my reasoning.
34. Interested parties have also raised a concern in relation to noise and disturbance arising from the vehicular use of the site. However, as I have found harm in relation to the main issues it is not necessary for me to consider this further.
35. The appellant has referred to a previous appeal decision, but the decision is not referenced and is not provided. Moreover, the site's planning history set out in the officer's report does not indicate that there has been a previous appeal. As such I am unable to give any weight to a previous appeal as I am unable to determine that it is comparable to what is before me.

Conclusion

36. I conclude that the development conflicts with the Act, the Framework and the local development plan and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR