



Appeal Decision

Site visit made on 20 June 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal Ref: APP/V0510/W/22/3303188

Hadham Farm, Land at Norwich Road, Norwich Road, Kennet, Newmarket CB8 7RQ

- 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 D Collins against the decision of East Cambridgeshire District Council.
 - The application Ref 21/00406/FUM, dated 14 March 2021, was refused by notice dated 27 May 2022.
 - The development proposed is erection of bund for animal welfare (livestock and racehorses).
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of bund for animal welfare (livestock and race horses) at Hadham Farm, Land at Norwich Road, Norwich Road, Kennet, Newmarket CB8 7RQ in accordance with the terms of the application Ref 21/00406/FUM, dated 14 March 2021, subject to the conditions set out in the schedule to this decision notice.

Main Issues

2. The main issue is the effect of the proposal on the setting of a group of nearby barrows including Rookery bowl barrow and Hilly Plantation bowl barrow and Waterhall Farmhouse a Grade II Listed building.

Reasons

Significance

3. The Site contains the earthwork remains of two prehistoric burial mounds (barrows) which are protected as scheduled monuments. These are the Hilly Plantation and Rookery barrows. Both are located in blocks of sparse woodland and are currently partly overgrown with scrubby vegetation and trees, which makes them visible in the wider landscape.
4. The barrows lie in the centre of a small linear cemetery which also includes the site of four barrows to the west of the A11 which no longer survive as earthworks and an extant earthwork bowl barrow to the east of the A14. The layout of the surrounding road structure of the A11 and A14 effectively severs the barrows on the appeal site from those surrounding it. This, together with the landscaping associated with the roads and topography, means there is very limited, if any, intervisibility between the barrows on the appeal site and those to the east and west.

5. The barrows are set within a largely agricultural landscape. However, due to surrounding topography and landscaping there are very limited long distance views of them. Instead, they are most visible within the appeal site itself where the noise from the nearby main roads is readily apparent disturbing the former tranquillity of their setting.
6. In that context the significance of the barrows lies not only in their physical form and archaeological interest, the potential for it and its surroundings to hold evidence of past human activity, but is intertwined with the landscape setting in which it is experienced allowing an appreciation of the barrows in the local largely rural landscape.
7. Adjacent to the appeal site is Waterhall Farmhouse a Grade II listed building. It is a late eighteenth century farmhouse which has been extended. Its significance is largely derived from its architectural and historic interest as a farmhouse and its contribution to local history. The surrounding agricultural land within which the appeal site is sited contributes to its significance in aiding understanding of its use as a farmhouse.

Effect on significance

8. The area of the appeal site where the proposed agricultural bund is to be located runs along the north-western edge, adjacent to the A11 which is partly located on an embankment (reducing in height to the east). The bund would be 15 metres wide and 6 metres high creating a large, obtrusive, unnatural feature in the landscape which would be readily evident in views of the two barrows on the appeal site within the immediate local area causing harm to how they are appreciated in their agricultural setting. The erosion of the agricultural setting of Waterhall Farmhouse would also cause a low level of harm to its significance.
9. I find in this instance that the harm would be less than substantial but nevertheless of considerable importance and weight. I also note that both main parties and Historic England agree the bund would cause less than substantial harm to the significance of the barrows.

Heritage balance

10. As part of the proposals the appellant has committed to the clearance of some of the vegetation from the barrows, the installation of rabbit proof fencing together with any repair or remediation required. The management of both barrows could be improved through clearance of this vegetation to avoid adverse impact on the earthworks through root damage and the activity of burrowing animals. Such a scheme of clearance and ongoing management could be secured by an appropriately worded condition for consideration by the Council, in association with Historic England, as suggested in its letter dated 19 May 2022.
11. The appellant has also offered to allow public access to the barrows for six days per year. I appreciate the Council's concerns that six days seems limited. However, it is more than currently exists. It also considers a S106 agreement would be required to achieve access in perpetuity. However, I see no reason why public access could not be part of an agreed management plan for the site which would be required as detailed above. The Council suggest that any benefit of public access would be minimal as the public would see the barrows

in a harmful setting due to the proposed bund. However, while initially the scheme would cause harm, in my view overtime, the natural and planted landscaping of the bund would appropriately integrate it into the landscape, particularly considering the trees to the rear. I saw a similar bund has been constructed at Waterhall Farm adjacent to the appeal site which is not overly intrusive due to its natural landscaping. While this has not been determinative as I am not aware of the planning status of the structure, it does reinforce my view that the bund could be acceptably integrated in the long term.

12. The purpose of the bund is to reduce noise levels for animal welfare purposes. The appellant's submitted noise assessment demonstrates that the bund would provide an attenuation of 18-21 dB(A) in noise levels at a 50 metre distance towards the centre of the field from the A11 which would be a reduction of about 68% in noise levels. While there would still be noise from the A14, any reduction would be a benefit to the appreciation of the barrows.
13. The appellant considers the provision of noise attenuation for the racehorses and livestock which are intended to graze on the land would be a benefit of the scheme. While I acknowledge the benefit to animal welfare, the site is not currently used for that purpose and therefore any benefit would be very minor.
14. However, I consider that the very significant benefits of the long-term management and access to the barrows together with noise reduction would, in this instance, be sufficient to outweigh the less than substantial harm to the barrows and Waterhall Farm.
15. For the reasons above I conclude that the proposal would be in accordance with Policy ENV 14 of the East Cambridgeshire Local Plan, section 16 of the National Planning Policy Framework and the provisions of Historic Environment Good Practice Advice Planning Note 3. Together these seek to protect or enhance designated archaeological remains, heritage assets and their settings.

Conditions

16. I have had regard to the Council's suggested conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
17. The standard conditions relating to timescale for commencement and accordance with plans are imposed for certainty.
18. A scheme of archaeological work is required given the proximity of the proposed bund to areas of known archaeological importance. A scheme of landscaping is necessary to ensure that the bund is appropriately integrated into its surroundings in the interests of the protection of the significance of heritage assets.
19. A condition requiring the submission of a scheme of biodiversity improvements is necessary to protect and enhance species. Finally, a condition to secure the management, enhancement and access to the barrows is necessary to secure the benefits of the appeal scheme and outweigh the harm caused.

Conclusion

20. For the reasons above the appeal is allowed.

Zoe Raygen

INSPECTOR

CONDITIONS

- 1) The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the plans/drawings listed below: CC/001, 3505:10F
- 3) No development shall commence until the applicant, or their agents or successors in title has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - i) the statement of significance and research objectives;
 - ii) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - iii) The timetable for the field investigation as part of the development programme; and
 - iv) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.
- 4) Prior to the commencement of development, a soft landscaping scheme for the bund and surrounds shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place
- 5) Prior to the commencement of development, a scheme of biodiversity improvements including a timescale for implementation shall be submitted to and approved in writing with the Local Planning Authority. The biodiversity improvements shall thereafter be installed in full in accordance with the approved times and thereafter maintained in perpetuity.

- 6) Prior to the commencement of development, a scheme for the improvement, maintenance and management of the two scheduled monuments within the site (including timescales for the improvement works and maintenance and management schedules) and for the provision of public access to the site (for no less than 6 days per year) shall be submitted to and approved in writing by the Local Planning Authority. The monuments shall thereafter be improved, maintained and managed and public access provided to the monuments in accordance with the approved scheme in perpetuity.