



Appeal Decision

Site visit made on 14 March 2011

by R.M.Poppleton JP, DipTP, DMS, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2011

Appeal Ref: APP/C1950/A/10/2141173

Potterells Farm, Station Road, Welham Green, North Mymms, Hatfield AL9 7PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Potterells Fram Partnership against the decision of Welwyn Hatfield Borough Council.
 - The application Ref S6/2010/1531/S73A, dated 10 July 2010, was refused by notice dated 13 September 2010.
 - The application sought planning permission for the residential conversions with rear extensions of redundant workshop, stores and stables into three dwellings following the demolition of three silos and shed without complying with a condition attached to planning permission Ref S6/2009/1734/FP, dated 19 May 2010.
 - The condition in dispute is No.16 which states that: *No development shall take place on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved programme unless otherwise agreed in writing by the Local Planning Authority.*
 - The reason given for the condition is: *to enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with PPS5 and policy R29 of the Welwyn Hatfield District Plan 2005.*
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Decision

1. I dismiss the appeal.

Reasons

2. The consideration of the appeal is within the context of Circular 11/95, Planning Policy Statement No.5 (PPS5) and its associated Practice Guide and policy R29 of the Welwyn Hatfield District Plan 2005. This latter policy relates throughout the District and not simply to defined areas of Archaeological significance and states that *where a development may (my underlining) affect remains of archaeological significance developers will be required to undertake an archaeological assessment*. The policy does not say that a site must display that attribute before deciding that it is worthy of recording. The policy thus adopts a precautionary approach, but one that should be proportional and have some reasonable basis for believing that a site may hold some significance.

3. The Circular provides 6 tests that relate to the imposition of planning conditions. In this case, the subject condition passes the tests of relevance to planning and to the development permitted, enforceability and as it is the same as model condition 55, also passes the test of precision. At issue is whether the condition passes the tests of necessity and reasonableness.
4. The buildings comprise brick structures of the late C19th/early C20th in the form of a row of single storey stables and loose boxes with a central two storey section. They are not listed as being of special architectural or historic significance, nor do they lie within a Conservation Area. Nevertheless, PPS5 advises that heritage assets can include other structures that hold meaning for society over and above its functional utility. It is the degree of the significance of that asset that informs the appropriate level of protection and management.
5. In this case, there is no evidence that the County Archaeologist, who recommended the imposition of the condition to the Planning Authority, has visited the site. Nor is there any mention of particular features in the Council's committee report. Rather the assessment appears to have been generic and desk-based. Even so, from the evidence, it appears that the justification relies heavily upon the buildings appearing on the O.S. 2nd edition map of 1898. That may suggest that the buildings are of some interest, both in terms of their plan form, former function and possible artefacts. Late in the day, the County Archaeologist has recently made reference to the building's appearance on the 1st edition of the OS map and to the potential proximity to much older farmstead. However, age alone should not be a determining factor and thus the assertion that a concern expressed in *East Anglian Archaeological Occasional paper No.8, 2000* that there has been a high rate of loss of structures of the period 1760-1960 implies added significance in terms of the subject building is not, in my view, well made. The building /site itself should display some evidence of significance worthy of recording.
6. I consider that the plan form and former utility of the building is of interest in terms of the socio-economic history of the area. However, I observed nothing within the buildings of major significance, other than the elevator machinery and its relationship to the former grain store above. Most other parts of the machinery have been removed and other than some timber supports, there is now little to illustrate how the previous functions were carried out. Nevertheless, as a small part of the industrial archaeology that once supported this area's rural economy, I regard these artefacts as worthy of photographic recording.
7. The County Archaeologist's written representations suggest that the condition only seeks the lowest level of recording. In view of the nature of the possible interests that I observed, I consider that this would be appropriate and proportional. Given the artefacts that I observed, I consider that there is a reasonable basis for believing that the development may affect remains of some archaeological significance, as required by policy R29, and therefore the condition passes the tests of reasonableness and necessity. I therefore conclude that it should not be removed or amended and accordingly dismiss the appeal.

R.M. Poppleton

Inspector

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