



Appeal Decision

Site visit made on 12 June 2013

by Susan Heywood BSc (Hons) MCD MRTPI

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

Decision date: 11 July 2013

Appeal Ref: APP/D2510/A/12/2186730
Tothby Manor, Tothby, Alford LN13 0EP

- 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 James Howe against the decision of East Lindsey District Council.
 - The application Ref N/003/01051/12, dated 25 May 2012, was refused by notice dated 31 July 2012.
 - The development proposed is erection of general purpose agricultural building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i. whether the proposed development would preserve the setting of the listed building;
 - ii. the impact of the proposed development on archaeological remains.

Procedural Matter

3. Following determination of the application by the Council, the Government revoked The Regional Strategy for the East Midlands. The effect of the revocation has been considered but in the light of the facts in this case, as set out below, the revocation does not alter my conclusions.

Reasons

Listed building and its setting

4. Tothby Manor House is a two storey farmhouse dating from the mid 17th century and listed, Grade II. It is an attractive red brick property with slate roof and deep overhanging eaves. To the east of the house lie a number of single storey and 1½ storey outbuildings built of red brick with red pantile roofs which appear to be part of the historic farm complex. The Manor House and parts of the brick outbuildings are visible across open countryside to the north, west and south. The flat, expansive countryside surroundings and the relative isolation of the Manor House within these surroundings form an important part of the setting, and the significance, of the building.

5. The proposal seeks to erect a large, general-purpose, modern agricultural building to the south east of the existing farm complex on part of an open field. A number of large modern agricultural buildings have already been constructed to the north, south and east; close to the more traditional brick outbuildings. To some extent, these have already eroded the isolation of the Manor House. The southernmost of these modern buildings is particularly prominent in views from the south and east and this has already detracted from the open countryside setting of the listed building when viewed from this direction; blocking views of the Manor House and historic outbuildings from the south east.
6. The proposed building would be located still further to the south. It would be prominently sited in the foreground on the approach to the Manor House along the driveway, which includes a footpath alongside, and in views from Tothby Lane. Its siting would increase the number of modern agricultural buildings in this location, detracting further from the isolation and open, countryside setting of the listed building. Its large footprint, expansive roof and utilitarian form and materials would be in sharp contrast to the smaller scale and form, and traditional materials and design of both the Manor House and brick outbuildings. Whilst the lowest part of the roof would be located to the south, this would not significantly reduce the impact of the building. Neither would landscaping be likely to reduce the harm to any meaningful degree.
7. Policy C2 of the East Lindsey Local Plan advises that development will only be granted for proposals which affect the setting of a listed building where it preserves or enhances the special architectural or historic interest of the building. Policy A5 requires development to improve the quality of the environment and not detract from the distinctive character of the locality. These policies are in compliance with The National Planning Policy Framework (the Framework) which states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost by development within its setting. For the above reasons, I conclude that the development would fail to preserve the setting of the listed building and would therefore harm its significance. It would therefore conflict with the above policies and with the Framework.

Archaeology

8. To the south of the Manor House lie the archaeological remains of the lost hamlet of Tothby, mentioned in the Domesday Book. The Council's Historic Environment Officer (HEO) provided details of the Historic Environment Record (HER). Entries for the appeal site and surroundings include the settlement itself, the site of a Medieval Chantry Chapel and a plague stone. The HEO initially raised concerns regarding the potential impact of the development in this location on the archaeological remains. However, following further consideration it was concluded that the proposal would be 'largely outside the area of ridge and furrow and other medieval earthworks'. Ground disturbance as a result of the proposal was assessed as minimal and consequently, subject to the imposition of a condition that no excavated material should be spread onto the adjoining land, no objections remained on the grounds of archaeology.
9. The Framework requires applicants to describe the significance of heritage assets affected by development, in order to enable an understanding of the potential impact of the proposal on their significance. Where a site includes, or

has the potential to include, archaeological interest an appropriate desk based assessment and, where necessary, a field evaluation should be submitted. The *Historic Environment Planning Practice Guide*, which remains extant, explains that protection of archaeological interests is aimed at sustaining the asset in a condition that enables future expert investigation. Even minor disturbance of the soil can harm the prospects of future investigation and would therefore harm the significance of the asset.

10. The appellant states that nearby landforms are as a result of gravel extraction, but no expert archaeological evidence has been provided which would demonstrate the accuracy of this claim. Whilst I note the conclusion of the HEO, the information before me¹ suggests that there may be archaeological remains in and around the area of the proposed building. The proposal would involve alterations in the ground level of some 1 metre or more in some parts of the site and the HEO's conclusion remains that 'archaeology survives as earthworks on the current ground surface and any disturbance whatsoever will affect it'.
11. I do not therefore consider that sufficient information has been submitted to enable me to draw the conclusion that the proposed building, and associated earthworks, would not harm the surrounding archaeological remains or that a condition along the lines suggested would be sufficient to prevent any harm. I therefore conclude that insufficient information has been submitted to ensure that the development would not harm important archaeological remains.

Overall conclusion

12. The Framework requires a balanced judgement to be taken having regard to the scale of harm and the significance of the heritage asset. In this case, although the proposal would be harmful, I judge that harm to be less than substantial. In such circumstances, the Framework requires the harm to be weighed against the public benefits of the proposal.
13. The appellant states that the building is needed to provide a flexible storage space for machinery or crop storage. I acknowledge that this is a working farm and that modern agricultural development is to be expected and will form part of the site's historical evolution. I note the future expansion needs of the business, but I have been given no information relating to any over-riding need for a building of this size and in this particular location. Although an alternative siting of the proposed building has been put forward, this does not form part of the current appeal, which has been considered on the basis of the submitted plans. The appellant argues that the new building would provide additional security, screening the yard from view. However, no evidence has been provided that this is a significant problem and it is unlikely that the erection of this building would provide any serious deterrent in any case. Finally, there is no evidence to suggest that the need for the building as a wind-break for the farmyard should attract great weight in this appeal.
14. For the reasons given above, I conclude that the development would fail to preserve the setting of the listed building and would therefore cause harm to the significance of the heritage asset. In addition, insufficient information has been submitted to ensure that there would be no harm to important

¹ This includes the HER map showing a dotted line (unexplained) through the site of the proposed building and an HER record entry (No. 42542) to the north, also unexplained.

archaeological remains. The matters put forward by the appellant do not outweigh the harm caused. The appeal should therefore be dismissed.

Susan Heywood

INSPECTOR

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