

MEMO

**North
Lincolnshire
Council**

TO: MATTHEW GILLYON, DEVELOPMENT MANAGEMENT
FROM: ALISON WILLIAMS, HISTORIC ENVIRONMENT RECORD
REF: PA/2024/215 & PA/2024/246
DATE: 18/03/2024

SUBJECT: Full planning permission for the repair, refurbishment and residential conversion of a listed barn to a C3 use, together with the erection of 3 detached houses and garages as enabling works, and Listed building consent for refurbishment and residential conversion of a listed barn to a C3 use
Tithe Barn and land, Station Road, Owston Ferry

PARISH: OWSTON FERRY

SUMMARY OF ADVICE

- The Conservation Officer will respond re the proposal to repair the Grade II listed Threshing Barn; the key heritage issue is the affect of the proposed enabling development on the wider group of heritage assets
- The three proposed new dwellings are outside the Development Boundary and will adversely affect the setting of the Scheduled Monument of Kinaird motte and bailey castle and the Area of Special Historic Landscape Interest of the Isle of Axholme contrary to Local Plan policies HE8 and LC14
- The site also has potential for non-designated archaeological remains associated with medieval and later settlement that the development would destroy
- The designated scheduled monument is the heritage asset of highest significance of this group and any harm requires clear and convincing justification (NPPF, 205)
- The scale of harm to the monument is less than substantial and this harm should be weighed against the public benefits of the proposal (NPPF, 208)
- Where the authority is minded to grant consent any permission should be subject to conditions: to secure a programme of historic building and archaeological monitoring and recording work; to remove permitted development rights to protect the Special historic landscape; and to secure the heritage benefits of the enabling development.

professionals and for use by community groups and individuals. The HER database is updated as new information about the historic environment is discovered.

The HER also provides advice on development proposals that affect, or may affect, the sites and settings of all heritage assets i.e. designated and non-designated historic buildings, archaeological sites and monuments, and historic places, areas and landscapes. This advice is provided against saved local plan policies and national historic environment policies. See <https://www.northlincs.gov.uk/planning-and-environment/historic-environment-and-conservation/>

DETAILED ADVICE: Thank you for the opportunity to comment on this application.

The Conservation Officer will respond to this application in relation to the Listed Buildings and this memo should be read in conjunction with his response. This memo will focus on the other designated and non-designated heritage assets these proposals have the potential to affect. This includes the Scheduled Monument of Kinaird motte and bailey castle and the Area of Special Historic Landscape Interest of the Isle of Axholme, as well as potential non-designated archaeological remains.

The HER has previously responded to applications for the residential conversion of the barn (PA/2015/1557), the demolition of the barn (PA/2019/1668 & 1739) and the erection of two dwellings adjacent to the current application site (PA/2017/371; PA/2021/1290). In the latter case, the HER advised that new dwellings in this location would adversely affect the Area of Special Historic Landscape Interest of the Isle of Axholme within the setting of the scheduled monument contrary to national and local planning policies. The planning case officer recommended refusal on these heritage grounds and because the site was outside the Development Boundary, however the Planning Committee granted outline permission contrary to this advice.

I also commented on the applications to erect two detached dwellings as enabling development for the conversion of the listed barn (PA/2020/1345 & 1473) and most recently to the application for a third enabling dwelling (PA/2022/542 & 734).

As the current application and submitted details reflect these proposals, my comments are unchanged except for updated details.

HERITAGE POLICY

Core Strategy policy CS6 Historic Environment states that **‘The council will seek to protect, conserve and enhance North Lincolnshire’s historic environment as well as the character and setting of area of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.... ‘Safeguarding the nationally significant medieval landscapes of the Isle of Axholme (notably the open strip fields and turbaries)...’ And ‘Development proposals should provide archaeological assessments where appropriate’.**

Local Plan policy HE8 Ancient Monuments directs that **‘Development proposals which would result in an adverse effect on Scheduled [Ancient] Monuments and other nationally important monuments, or their settings, will not be permitted.’**

Policy HE9 Archaeological Evaluation that **‘Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.**

Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.’

Local Plan Policy LC14 applies: **‘The Isle of Axholme is designated as an area of Special Historic Landscape Interest.**

Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

Development required to meet the social and economic needs of rural communities and small scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.

A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the area of Special Historic Landscape Interest.'

Local plan policies LC7 and RD2 also apply as the development is within the open countryside; policy LC7 Landscape Protection states '**Development which does not respect the character of the local landscape will not be permitted**'. Policy RD2 Development in the Open Countryside requires that such development is strictly controlled stating that only certain essential development that meets very specific criteria will be permitted and residential use is not referred to as a justification to depart the provisions of this Policy.

The National Planning Policy Framework (NPPF, 2023) provides guidance to local authorities for conserving heritage assets and their settings, which includes historic areas and landscapes (Annex 2: Glossary; Heritage asset). Paragraph 8 refers to the role of the planning system to contribute to achieving sustainable development under three overarching objectives; the environmental objective encompasses protecting and enhancing the historic environment. Paragraph 195 describes heritage assets as '**an irreplaceable resource**' to be '**conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations**'.

Paragraphs 200 and 201 require an applicant and local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should be taken into account when considering the impact of a proposal on a heritage asset, and used to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (paragraphs 205-209).

Evidence of deliberate neglect or damage to a heritage asset, and the deteriorated state of the asset should not be taken into account in any decision (NPPF, 202)

The desirability of new development making a positive contribution to local character and distinctiveness should be taken into account by local planning authorities when determining planning applications (NPPF, 203). Local planning authorities should also look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (NPPF, 212).

Effects of an application on designated and non-designated heritage assets are a material consideration and local planning authorities are directed to have regard to the scale of any harm or loss and the significance of the heritage asset when judging the planning balance, and the more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification; detailed guidance is provided on how to assess the importance of assets and the scale of harm (NPPF 205-209).

Where loss of non-designated heritage assets as a result of development is considered justified, the NPPF (211) makes provision to allow for the recording and advancing understanding of a heritage asset before it is lost using planning conditions or obligations as appropriate.

In relation to enabling development, local planning authorities should assess whether the benefits of such a proposal, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies (NPPF, 214).

Further advice on enabling development is provided in the recently published **Enabling Development and Heritage Assets**, Historic Environment Good Practice Advice Note 4, Historic England, June 2020 (<https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/>)

HERITAGE INTEREST

The application affects the Grade II listed Threshing Barn and other listed buildings in its immediate vicinity. The Scheduled Monument of Kinaird motte and bailey castle lies 100m to the west of the

application site and the three proposed dwellings, and the application site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14).

The early settlement of Owston Ferry pre-dates the Norman Conquest. The Kinaird motte and bailey castle was constructed shortly after the Conquest in the late 1080s to control and defend the river crossing. The motte overlooked the open land on the south side of Church Street down to the riverside. The castle defences were slighted after 1174 and the church was built within the northwest bailey about a century later.

The medieval settlement developed along Church Street between the former castle and church and the riverside settlement. Recent archaeological investigations have begun to reveal the survival of well-preserved evidence of occupation and industrial activity within medieval burgage plots along Church Street. Beyond these plots were the unenclosed open strip fields. Early enclosures of some of the strips to the south of Church Street appear from the late 16th century and by the mid-late 18th century Owston Hall and the farmbuildings including the Threshing Barn were built. Other buildings apparent on the 1824 OS 1" map around the farmstead had disappeared before the late 19th century.

The land at the rear of Church Street has remained largely open and undeveloped other than for agricultural uses. This includes the area of the current application site which was until recently an overgrown field, and the small enclosed field to the east.

This is an important part of the setting of the scheduled monument where it formed the view from the castle motte overlooking the river and the ferry crossing that the castle was built to control. As such this part of the setting makes an important contribution to the historic interest of the castle. The undeveloped area containing the application site is the last remaining part of the open setting of the scheduled monument looking towards the river that makes an important contribution to the significance.

All this area, including the rear gardens of the Church Street properties, falls within the LC14 policy Area of Special Historic Landscape Interest of the Isle of Axholme. This area is designated for its unique historic landscape retaining the pattern of medieval open strip fields surrounding the villages on the Isle. This historic landscape is considered to be of national importance.

The Ancient Open Strip Fields (AOSF) form the historic character core of the Isle of Axholme landscape. The essential character and appearance of this core historic landscape type is of open unenclosed agricultural land and the lack of any physical boundary features including hedgerows and fences; other characteristics of this landscape include the roads, common ways and access tracks known locally as meres; a general absence of farms in the open fields, these being located in the built up settlement areas; and the presence of visual reference points such as church, mill and water towers that afford legibility to the core historic landscape and form part of its setting.

Also characteristic of the ancient open field landscape are areas of piece-meal enclosure, frequently found around the fringes of the open fields and the settlements where they form the immediate setting of the open strip fields. This 'Early Enclosed Land' (EEL) comprising amalgamated blocks of strips within the former open fields served as 'home closes' for stock-keeping and mixed farming, and date from the late-medieval period onwards. The landscape is however defined less by the date at which the fields were enclosed than by its defining characteristics which include smaller irregular shaped fields with sinuous boundaries, often hedged and with scattered trees.

Elsewhere enclosures with regular straight boundaries, frequently formed by ditches, were laid out in the newly drained landscape from the 17th century onwards. The enclosures of this 'Recent Enclosed Land' (REL) are largely devoid of upstanding boundary features, and maintain the characteristic open aspect of this historic landscape, even where such enclosures are combined into blocks of large modern fields.

The persistence of these elements of the historic landscape, and the resultant openness of the core areas, remains the dominant characteristic of the contemporary landscape of historical importance. This remnant landscape is acknowledged as the best example of very few surviving landscapes of this type in the country. It is of national significance, however is not capable of formal designation as a heritage asset under current legislation.

The application site falls within the early enclosed land (EEL) surrounding the village. The small fields to the east and west of the application site are surviving elements of the EEL and form a link with the larger blocks of EEL west of the castle and southeast of Station Road, contributing to the rural setting and character of the village as well as the wider historic landscape.

The setting of the scheduled monument is experienced within the context of the historic landscape character surrounding it, contributing to the historic significance of the castle.

The application site has potential to contain archaeological remains associated with the medieval settlement and agricultural activity, as well as putative structures that appear on the 1824 OS map that are of unknown character, date and significance.

ASSESSMENT

The proposal to repair the threshing barn is welcomed notwithstanding that the listed building has been allowed to deteriorate beyond the point of collapse. The HER agrees that residential conversion is the optimum viable use for the barn but the key heritage issue is the affect of the proposed enabling development on the wider group of heritage assets that includes a scheduled monument, a heritage asset of the highest significance, and the locally designated heritage asset the Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI) as well as potential non-designated archaeological remains.

The applicant's submission is that the cost of the repair and conversion works to the barn will exceed its market value on completion and that the enabling development previously consisting of the two permitted dwellings (PA/2020/1345 & 1473) will be insufficient to fund the conservation of the listed barn, therefore they claim there is a financial case for a third plot and detached dwelling. Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases to enable the conservation of a relevant heritage asset (NPPF, 208).

The applicant has submitted a heritage statement dated August 2020 that does not specifically assess the third plot, subject of this application, nor the cumulative effect of the three proposed dwellings.

The three proposed dwellings are outside the Development Boundary and will adversely affect the setting of the Scheduled Monument of Kinaird motte and bailey castle and the Area of Special Historic Landscape Interest of the Isle of Axholme contrary to Local Plan policies HE8 and LC14.

The effect of the dwellings in this location would be to extend the built environment into the setting of the scheduled monument where the setting makes an important contribution to the significance of the monument. The development would change the use and character of the land. It will reduce the openness experienced within the setting and will erode the ability to appreciate the important connection between the castle and river of this location.

Building mass and rooflines of the proposed dwellings will encroach further into the glimpsed views of the setting from within the monument and add to the existing built mass, including that of the two permitted dwellings adjacent to the application site yet to be constructed (PA/2017/371;PA/2021/1290). The visual impact may be greater from within more open areas of the monument to the rear of St Martin's House that overlook the application site. The additional plot 3 is located between the Scheduled Monument and the group of Listed Buildings and will effectively block the visual appreciation of the 18th century buildings from within the monument, further diminishing this part of the historic setting.

The level of harm to this part of the setting is considered to be moderate/high resulting in some harm to the historic interest and significance of the monument; overall the harm is less than substantial.

The cumulative effect of the proposed third plot in this location would be to extend the proposed development and built environment into the ASHLI historic landscape EEL character type. The change of use of the land to residential would extend domestic features into the setting that are not related to the traditional use of agricultural land as part of the historic landscape such as outbuildings, garden landscaping and structures, hard paving, boundary fencing, external lighting, and other permitted development.

The overall effect would be an unacceptable visual intrusion that alters the character, appearance and setting of the historic landscape, and damages the legibility of the character zones. As such it would be an unacceptable encroachment into the Area of Special Historic Landscape

Granting permission for an incursion into the setting of the scheduled monument and the LC14 historic landscape would make other applications more difficult to resist and result in further loss of significance to both heritage assets.

For these reasons, the additional plot to the permitted residential development would be detrimental to the setting of the scheduled monument and to the historic landscape character, and as such would be an unacceptable encroachment outside the development boundary.

The application site as a whole has the potential to contain archaeological remains relating to the medieval settlement and to putative buildings shown on the 1824 OS 1" map. Ground works associated with the construction of the three proposed dwellings would result in the destruction of archaeological remains present within the application site.

The threshing barn has potential archaeological significance in its structure, form and fabric, as well as its conjectured reuse for the flax and hemp industry. In addition, the site of the barn has potential below-ground archaeological interest for the origins, construction and use of the barn and farmstead, as well as its proximity to the medieval motte and bailey castle and village settlement, the origins of Owston Hall, and the historic landscape.

RECOMMENDATION

The application site is outside the development boundary in a sensitive location within the setting of both a scheduled monument and the historic landscape of the Isle of Axholme, the latter also being a heritage asset of national significance; because the additional plot as a cumulative effect to the permitted enabling development would adversely affect the setting of the scheduled monument and the character and setting of the historic landscape it would be contrary to Core Strategy policy CS6 and local plan policies HE8, LC14, LC7 and RD2.

The significance of the other heritage assets and the level of harm should be weighed against the public benefits of the proposal in determining whether the additional enabling development is acceptable. Any harm to the heritage assets requires clear and convincing justification. The scheduled monument has the highest heritage significance of the affected group of assets though the harm to the significance of the monument is judged to be less than substantial.

The benefits of the repair and conversion of the Grade II listed barn are very high, and where the works do not take place and the barn is allowed to deteriorate even further, there is likely to be total loss of significance. It is seen that this has already happened since the two enabling plots were permitted in March 2021 with a further collapse of the barn.

Where a decision is taken that the proposals for enabling development are acceptable in principle, the heritage benefits will need to be properly secured via planning conditions and/or an enforceable legal arrangement under which the relevant funding and works will be carried out to avoid enabling development being carried out without the heritage benefits being achieved.

Where consent is granted for the proposed development, it will be important that a programme of archaeological work is carried out so that any remains that might be uncovered by the development can be properly identified and recorded. This programme should comprise monitoring, excavation and recording during any ground disturbance associated with the construction of the dwelling, followed by post-excavation assessment reporting, analysis and publication of results as required.

A suitably qualified archaeological contractor should undertake this work on the developer's behalf in accordance with a Written Scheme of Investigation (WSI) submitted to and agreed with the planning authority in advance of any development commencing. All archaeological work should be undertaken in accordance with the relevant Chartered Institute of Archaeologists' Standards and Guidance (www.archaeologists.net) and relevant Historic England professional guidelines (<http://www.historicengland.org.uk/images-books/publications/>).

I would suggest the following specifically worded conditions to secure both the historic building recording and the archaeological programme of work on any permissions that may be granted:

Condition 1

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a Written Scheme of Investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- i. Measures and methodologies to ensure the preservation by record of the historic structure, building fabric and fittings of the listed barn
- ii. Measures to ensure the preservation by record of archaeological features of identified importance within the application site

- iii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iv. Post-fieldwork methodologies for assessment and analyses.
- v. Report content and arrangements for dissemination, and publication proposals.
- vi. Archive preparation and deposition with recognised repositories including the ADS.
- vii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- viii. Monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record Office of the commencement of archaeological works and the opportunity to monitor such works.
- ix. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Condition 2

The applicant shall notify the planning authority in writing of the intention to commence the archaeological site works at least one week/ 7 days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Condition 3

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason (Conditions 1 – 3)

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, policy HE9 of the North Lincolnshire Local Plan because the barn is Grade II listed and the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

I would also recommend a condition to remove permitted development rights to avoid the further extension of the built environment into the protected historic landscape beyond the Development Limit, as follows:

Condition 4

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the buildings other than those expressly authorised by this permission.

Reason

To protect the historic landscape in accordance with policy LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

Alison Williams

Historic Environment Officer

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