



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/10/18

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.11.2018

Appeal Decision

Site visit made on 31/10/18

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.11.2018

Appeal Ref: APP/E6840/A/18/3207076

Site address: 1 Ramp Cottage, Undy, Caldicot, Monmouthshire NP26 3EY

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nigel Hughes against the decision of Monmouthshire County Council.
 - The application Ref DM/2018/00326, dated 6 February 2018, was refused by notice dated 8 May 2018.
 - The application sought planning permission for the variation of condition 2 (removal of archaeological watching brief) relating to application DC/2014/00423.
 - The condition in dispute is No 2 which states that: "*No development shall take place until the applicant or his agent or successor 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 reason given for the condition is: "*To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*"
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Nigel Hughes against Monmouthshire County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that these decisions are in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of enhancing the culture and heritage of Wales.

Main Issue

4. The main issue is whether the condition is necessary and reasonable, having regard to the impact of the development on features of archaeological interest.
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Reasons

5. The appeal seeks to vary planning permission, reference DC/2014/00423, to carry out the development without complying with the requirement for an archaeological programme of work as specified in Condition No 2 of that permission.
6. Planning Policy Wales, edition 9 (PPW) at paragraph 6.5.5 states that "*The conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not*". Furthermore, Technical Advice Note 24: The Historic Environment (TAN 24) states at paragraph 4.3 "*Where development might reveal, disturb or destroy archaeological remains, including palaeoenvironmental evidence, it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed.*"
7. Excavations in the local area surrounding the appeal site have indicated that there is a significant Roman presence in the locality, with a strong possibility that a villa may be nearby. The Glamorgan-Gwent Archaeological Trust (GGAT)¹ have confirmed that there has been no change to the understanding of the archaeological resource between the 2014 planning permission and this appeal. Accordingly, there is potential for archaeological features or finds to be within the appeal site and it is therefore important that the opportunities to record archaeological evidence are taken.
8. The appellant comments that recent developments nearby have not found archaeological remains, including at the nearby property '*Corbiere*', and works carried out by Network Rail within the appellant's garden. Nevertheless, the works at '*Corbiere*' were subject to a similar archaeological condition and the operations carried out by Network Rail did not require planning permission. In any event I am not persuaded that the ground has been too disturbed to warrant any monitoring.
9. The appellant has stated that if he were to build a single storey extension, using permitted development rights, archaeological recording would not be required. Whilst this may be the case, I have very strong doubts as to the likelihood of such a scheme being progressed given the functional requirements of the appellant. Accordingly I am not able to afford this consideration anything more than very limited weight.
10. For these reasons, the appeal scheme has the potential to harm archaeological remains. Consequently, deleting condition No 2 would be inconsistent with PPW and TAN:24 as set out above. There is no weight of material considerations before me sufficient to outweigh this conflict.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and condition No 2 retained in its current form.

Joanne Burston

INSPECTOR

¹ Monmouthshire County Council's archaeological advisor