



**APPEAL UNDER SECTION 78 OF THE TOWN AND
COUNTRY PLANNING ACT IN RELATION TO
LAND TO THE SOUTH OF WARREN LANE, NORTH OF
WESTON ROAD, LONG ASHTON**

Local Planning Authority reference: 21/P/3076/OUT

Planning Inspectorate reference: APP/D0121/W/23/3315584

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Proof of Evidence (Heritage)
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Executive Summary

The appeal site is located within the Scheduled Monument of 'Roman small town, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Court' (hereafter referred to as Gatcombe Roman site) on the western edge of Long Ashton, North Somerset.

Development within this section of the Gatcombe Roman site would result in the total loss of archaeological remains, which form part of the significance of the Scheduled Monument.

There would also be a change to the rural setting of the wider Scheduled Monument which would also impact its significance. The rural nature of the area evokes the original character of the monument and forms part of its aesthetic and historical significance.

The appeal scheme would result in an extension of the urban edge of the village of Long Ashton, bringing it closer to the walled Roman settlement, which would cause harm to the monument's significance through loss of the rural landscape.

These two elements of loss of significance would result in less than substantial harm (at the upper end) to the Scheduled Monument, when assessed against the whole monument, and should be given great weight.

1. Introduction

Qualifications and experience

- 1.1 My name is Catherine Lodge. I am the Principal Archaeologist for North Somerset Council, a role which I have occupied since October 2016. I am an Affiliate member of the Chartered Institute for Archaeologists.
- 1.2 I am an archaeologist by qualification and hold a BSc Honours degree in Archaeology and Landscape Studies.
- 1.3 My principal role is to inform planning applications and infrastructure projects of the potential impacts on heritage assets. My role necessitates close liaison with heritage stakeholders such as developers, householders and planning agents, archaeological and heritage consultants, Historic England and other statutory bodies.

Scope of this evidence

- 1.4 This evidence is concerned with matters associated with the assessment of potential impact of the Appeal Scheme on heritage assets. The heritage asset which is the focus of this appeal is the Scheduled Monument of 'Roman small town, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Court'.
- 1.5 The details presented within this evidence deal with the matter as to whether the appeal scheme, via changes to the character and appearance of the Scheduled Monument and its setting would result in harm to its heritage significance.
- 1.6 This evidence comprises the following sections, including this Introduction:
- Section 2 lists the documents that have been used to inform this evidence;
 - Section 3 details the Appeal Proposals;
 - Section 4 discusses the criteria for designating Scheduled Monuments;
 - Section 5 describes the significance of Gatcombe Roman site and looks at the history of archaeological investigations within the Scheduled Monument;
 - Section 6 summarises planning permissions granted within the Scheduled Monument of the Gatcombe Roman site;
 - Section 7 looks at the contribution made by the Appeal Site and change which would occur from the Appeal Proposals;
 - Section 8 will assess the impact of the proposals on the heritage asset;
 - Section 9 will refer to relevant planning appeals;
 - Section 10 comprises a conclusion
 - Bibliography
 - Appendices
- 1.7 This evidence has been drafted as a response to Reason for Refusal 2 (hereafter referred to as the 'RfR 2' which is as follows:

'The proposed development would result in the complete removal of all archaeological remains from the development site and would cause unacceptable harm to the Scheduled Monument. These remains form part of the significance of the designation of this heritage asset. In addition, the development of part of the historic field pattern associated with the Scheduled Monument would cause unacceptable harm to the historic landscape. The proposed development is therefore contrary to Policy CS5 of the Core Strategy, Policy DM6 of the North Somerset Sites and Development Plan, and paragraphs 195, 199, 200, 201,202 and 205 of the National Planning Policy Framework.'

The appeal site

- 1.8 The appeal site comprises c. 2.2ha of undeveloped land to the west of Warren Lane, Long Ashton.
- 1.9 It lies entirely within the Scheduled Monument of 'Roman small town, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Court' (hereafter referred to as the Gatcombe Roman site).
- 1.10 To the east of the appeal site are existing residential developments on Warren Lane.
- 1.11 To the west are Grade II listed Gatcombe Farmhouse and farmstead (including the recent redevelopment of former agricultural buildings) and Grade II* listed Gatcombe Court.
- 1.12 To the south lies Weston Road, Sunnysdene, the Long Ashton District Headquarters and the Bristol to Exeter railway line.
- 1.13 The northern boundary of the appeal site is bounded by Warren Lane and historic field boundaries (see Section 5 of this proof for detail on historic field patterns).

2. Informing Documents

Appeal documents

- 2.1 This evidence should be read alongside the Council's Statement of Case (CD 8.1) and the Proof of Evidence (CD 13.1) of Mr Mark Reynolds, the Council's planning witness.

Application documents

- 2.2 The relevant documents that formed part of the planning application from a heritage point of view are as follows:

- Land at Gatcombe Farm, Long Ashton, North Somerset: Magnetometer Survey Report for Cotswold Archaeology (Archaeological Surveys Ltd, September 2012) (CD 1.15)
- Land at Gatcombe Farm, Long Ashton, North Somerset: Archaeological Evaluation (Cotswold Archaeology, May 2013) (CD 1.16)
- Land South of Warren Lane, Long Ashton, North Somerset: Historic Environment Desk-Based Assessment (Cotswold Archaeology, May 2021) (CD 1.17)
- Construction Environmental Management Plan (Buro Happold, August 2021) (CD 1.20)
- Historic England consultation response dated 15 January 2021 (CD 16.5)

Relevant Legislation, Policy & Core Documents

- 2.3 Relevant legislation and policies are referred to in Section 8 of this proof, with further detail provided in Appendix 4 .
- 2.4 Core documents are also referenced throughout this proof.

3. The Appeal Proposals

- 3.1 As submitted in November 2021, the application sought Outline Permission for the *'erection of up to 35.no dwellings, allotments, and associated access, parking, drainage infrastructure and landscaping, with new access off Weston Road for approval and appearance, layout, scale and landscaping reserved for subsequent approval'*.
- 3.2 A previous Outline application was submitted in 2020 for up to 35 dwellings under LPA planning reference 20/P/1547/OUT. That application was refused for three reasons: including the unacceptable harm to the Scheduled Monument through removal of all archaeological remains within the development site and unacceptable impact on highway safety.
- 3.3 Archaeological fieldwork comprising geophysical survey and trench evaluation was undertaken between 2012 (Archaeological Surveys Ltd) and 2013 (Cotswold Archaeology). The reports can be found in the core documents (CD 1.15 & CD 1.16) and summaries of these programmes of investigation are included in Section 5 of this Proof of Evidence.
- 3.4 An Historic Environment Desk-Based Assessment (July 2021) (CD 1.17) was produced by Cotswold Archaeology for the Appellant to support this Appeal Scheme.
- 3.5 An Archaeological Mitigation Strategy (AMS) was submitted to supplement the previously refused application (20/P/1547/OUT). It was anticipated the Appellant would submit an AMS to support this revised scheme, but one has not been provided. The AMS set out what level of harm to the significance of the Scheduled Monument would arise from construction within the application site and proposed mitigation to minimise impacts from development and preserve by detailed record any archaeological remains encountered. A document such as this would be required to support an application for Scheduled Monument Consent.
- 3.6 The Historic Environment Desk-Based Assessment (CD 1.17, paragraph 6.7) briefly refers to the need to apply for Scheduled Monument Consent as well as *'undertaking an appropriate consultation with Historic England and North Somerset Council to guarantee that an appropriate and proportionate program[me] of mitigation is put in place prior to any works'*.
- 3.7 Whilst an AMS has not been submitted with this application a Construction Environmental Management Plan (CEMP) (Buro Happold, 2021) (CD 1.20) was

submitted. Archaeological remains within the appeal site are briefly referenced in Section 4 of the CEMP. Mitigation measures are outlined in the CEMP which states 'a whole-area strip, map and record strategy will be required'. This will be discussed in Section 8 of this Proof of Evidence.

4. Designation of Scheduled Monuments

- 4.1 Scheduled Monuments are afforded the highest form of protection for heritage assets, being of national importance. In this section I set out the principal elements of heritage legislation and policy that demonstrate this.
- 4.2 Scheduling is the oldest form of heritage protection and began in 1913, although the practice actually dates back to the 1882 Ancient Monuments Protection Act when a 'schedule' of almost exclusively prehistoric monuments deserving of state protection was first compiled.
- 4.3 Historic England's *Scheduled Monuments A Guide for Owners and Occupiers* (2014) (CD 16.2) states 'Scheduling refers to the legal system for protecting nationally important monuments and archaeological remains in England. Its aim is to preserve the best examples of these for the benefit of current and future generations.'
- 4.4 The Ancient Monuments and Archaeological Areas Act 1979 is the current legislation by which Scheduled Monuments are offered protection (see below).
- 4.5 In 2020 there were almost 20,000 Scheduled Monuments in England. 2,053 Scheduled Monuments are recorded on the National Heritage List of England as being of Roman date (this includes multi-period sites).
- 4.6 Historic England state in paragraph 2.1 of *Settlement Sites to 1500 (Scheduling Selection Guide, HEAG253)* (CD 16.3) that 'archaeological sites and monuments vary greatly in character, and can be protected in many ways: through positive management by owners, through policy, and through designation'. It goes on to say that 'Scheduling, through triggering careful control and the involvement of Historic England, ensures that the long-term interests of a site are placed first. It is warranted for sites with real claims to national importance which are the most significant remains in terms of their key place in telling our national story, and the need for close management of their archaeological potential. Scheduled monuments possess a high order of significance: they derive this from their archaeological and historic interest'.
- 4.7 The Secretary of State has a broad discretion as to what is scheduled and is concerned not only with the national importance of the asset, but also if scheduling would assist the site's conservation.
- 4.8 Under the Ancient Monuments and Archaeological Areas Act 1979 the Secretary of State has '*a duty to compile and maintain a schedule of ancient monuments of national*

importance, the purpose being to help preserve them, so far as possible, in the state in which they have come down to us today' (DCMS, 2013) (CD 16.1).

4.9 The 1979 Act defines the types of nationally important ancient monuments that can be designated as Scheduled Monuments as:

- *any building, structure or work, whether above or below the surface of the land, and any cave or excavation;*
- *any site comprising the remains of any such building, structure or work or of any cave or excavation; or*
- *any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of a monument as defined above.*

4.10 The 2013 DCMS Policy on *Scheduled Monuments & nationally important but non-scheduled monuments* (CD 16.1) provides guidance on assessing national importance. It states that when archaeological sites are assessed for scheduling, the key considerations are period, rarity, documentation, group value, survival/condition, fragility/vulnerability, diversity and potential. Monuments are assessed under the criteria relevant to their type.

4.11 The Act makes clear that “Protection is offered to everything that forms part of the land and buildings within the Scheduled area unless expressly excluded, as some features are, such as modern-day road surfaces. The protection extends not just to known structures or remains, but also to the soil under or around them and any adjacent land which is essential to support or preserve the monument” (s61(9) Ancient Monuments and Archaeological Areas Act 1979).

4.12 Historic England offer guidance in their Scheduling Selection Guides. Two of these guides (Settlement Sites to 1500 & and Industrial Sites) (CD 16.3 & 16.4) are of particular relevance to the appeal site and are referenced in detail in the following section.

5. The significance of Gatcombe Roman site

- 5.1 The NPPF Glossary (Annex 2) defines significance for heritage policy as:
- “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”
- 5.2 The heritage significance of the Scheduled Monument of Gatcombe Roman site is principally derived from it comprising a small Roman urbanised settlement with associated field systems, and evidence of earlier Iron Age occupation. The listing description is provided in full in Appendix 1.
- 5.3 There are 68 Scheduled Monuments in North Somerset, six of which date to the Roman period (which equates to less than 9% of the total Scheduled Monuments). Gatcombe Roman site is the only walled Roman settlement in North Somerset.
- 5.4 This settlement is also rare in a national context. The Rural Settlement of Roman Britain project (2018) lists Gatcombe Roman site as an enclosed ‘nucleated settlement’ as its major type and ‘roadside settlement’, ‘villa’, ‘iron production’ and ‘other metal production’ as its minor types. When searching the online database for enclosed nucleated settlements across England only 21 results are returned from a total of 3,652 records (0.58%).
- 5.5 The Gatcombe Roman site was first identified during the excavation of a railway cutting in 1838/39 (first noted in Felix Farley’s Bristol Journal) and was scheduled on 5th December 1955. At this time, it was considered the site of a Roman villa, but later studies have reinterpreted the site as a Roman small town with associated field systems, and the Schedule was subsequently amended on 7th September 1995.
- 5.6 The reasons for designation are listed below (taken from the listing description):
- **Rarity:** as a Roman small-urbanised settlement with associated field systems, and with evidence of earlier occupation, the Gatcombe settlement is relatively rare in a national context;
 - **Potential:** the site as a whole has a high potential for adding to our understanding of the contemporary agricultural and industrial methods, and the social and economic changes that the Roman Conquest brought;
 - **Group value:** the area probably formed part of a wide network of Roman sites, with links to settlements in Bath and most probably Bristol.

- 5.7 The NPPF Glossary defines the setting of a heritage asset as ‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral’.
- 5.8 The rural character of the appeal site and the other Scheduled fields form part of the setting of the walled Roman settlement and contribute to the experience of the monument within its wider rural landscape. Key views are afforded at various locations of the Scheduled Monument, including from Gatcombe Farm, Weston Road, Warren Lane and the Public Right of Way to the north/north-west of the appeal site (figures 13-23 in Appendix 2).
- 5.9 The Scheduled Monument is characterised into three categories in the Avon Historic Landscape Characterisation (CD 16.10), referred to hereafter as Avon HLC. The Avon HLC was undertaken between 1995 and 1998 to produce a map which displayed the character of the landscape at that point in time, by revealing the historic processes whereby the present plan form of the current landscape had been initiated and developed. Characterisation can be used to help secure good quality, well designed and sustainable places. It is a method of identification and interpretation of the varying historic character within an area that looks beyond individual heritage assets, and reveals the patterns and connections within a landscape, spatially and through time. It also supports government policy objectives relating to landscape, neighbourhood and community.

The Gatcombe Roman site comprises the following categories:

- ‘late medieval enclosed open fields created by local arrangement and exchange’,
- ‘post-medieval and modern fields adjusted from earlier (e.g. late medieval enclosed open fields created by local arrangement and exchange) enclosures’ and
- the ‘core settlement’ of Gatcombe Court.

The first two categories come under Group A: Common Field Systems, as ‘landscapes derived from medieval (or earlier) common (or shared) field systems, generally associated with nucleated settlements’. The latter consists of present settlements identifiable on late 18th or early 19th century maps which generally still preserve medieval or even earlier outlines. Pages 5 and 6 of CD 16.10 detail the origins, main characteristics, associated features and occurrence of these categories.

- 5.10 Appendix 2 of this proof includes a range of historic mapping, from the 1842 tithe map to the modern Ordnance Survey map (figures 1-6). Each of the maps clearly show that the land within the Scheduled Monument extent has remained largely in agricultural use, with little change to field boundaries.

Archaeological investigations

- 5.11 This section summarises archaeological investigations within Gatcombe Roman site, all of which have contributed to a better understanding of the significance of the heritage asset.
- 5.12 As previously mentioned, the Gatcombe Roman site was first discovered during the excavation of a railway cutting in 1838-39. Foundations of stone buildings as well as burials with oak coffins and Roman coins and other artefactual material were recorded. The findings were detailed in Felix Farley's *Bristol Journal* in the same year.
- 5.13 The site was confirmed by trial excavations carried out by the Clevedon Archaeological Society in the 1950s. The excavations exposed parts of several buildings and a section of the outer wall (Smisson & Groves, 2011 & Solley, 1966).
- 5.14 An account of the main features of the Gatcombe Roman site was published by E K Tratman in 1962, together with a plan of the Roman remains known to him (Appendix 2 figure 10). Tratman wrote that excavations undertaken by the Clevedon Archaeological Society included a cutting through the north wall, where it was about 15 foot thick and many buildings, some with 'the tops of the walls partly visible, occur in the farmyards and grounds just to the north of both Gatcombe Farm and Gatcombe Court'. Tratman also includes accounts of the occupiers of Gatcombe Farm and Gatcombe Court on their personal finds from within their landholdings, which included various coins and traces of buildings, as well as foundations of buildings visible in the south face of the railway cutting.
- 5.15 Four weeks of detailed excavation was undertaken in 1955 and 1956 by the University of Bristol, led by Professor Barry Cunliffe (Cunliffe, 1957), which revealed evidence of occupation dating to the mid-first century AD, continuing through to the third century AD. Sometime after the beginning of the third century AD a 15-foot-thick defensive wall was erected which enclosed an area of around 6.5 hectares. There was no suggestion from the artefactual evidence recovered that this wall and the settlement it enclosed was of a purely military nature. Further evidence confirmed the presence of occupation activity well into the fifth century AD, but nothing later than this. Evidence of iron and lead working was also recovered during the excavations.

- 5.16 Professor Keith Branigan led excavations between 1967 and 1976, which were published in his 1977 monograph '*Gatcombe: the excavation and study of a Romano-British villa estate, 1967-1976*'. These excavations confirmed that occupation began c. 50 – 80 AD and continued on a small scale until desertion in c. 200 AD. Re-occupation, in the form of a walled settlement, took place in the period 280-300 AD, with an area of at least 7 hectares contained within the defences. The enclosing wall, the line of which is known on the north, west and east sides, was constructed of limestone masonry on its inner and outer faces, with a filling of marl. Nineteen buildings have been identified within the enclosure, mainly showing evidence of agricultural usage. The existence of a villa building at the southern end of the site is suggested however by the discovery of a colonnade, a mosaic, a stretch of fine masonry, a finely carved table-top, hypocaust tiles and baluster bases. There is little evidence of any road system within the enclosure; the buildings are placed in random order, and an extensive contemporary area of cultivation has been found within the defences. The interior arrangements are thus more suggestive of a defended villa estate than anything else, but the wall is exceptional, being comparable only with the 4th century defences of Mildenhall. The site was abruptly abandoned about 380 AD, but its later use as an ordinary farmstead is indicated by re-occupation circa 400 AD of some of the ruined stone buildings. See figure 9 in Appendix 2 for a full plan of these excavations.
- 5.17 Smisson & Groves (2011) undertook extensive geophysical surveys between 2009 and 2010 to investigate the extent of the Gatcombe Roman site. and their evidence suggests that Gatcombe was 'rather than a villa, a typical small Roman town'.

Archaeological investigations within the Appeal Site

- 5.18 Investigations carried out in 2012 (Archaeological Surveys Ltd) and 2013 (Cotswold Archaeology) to the east of Gatcombe Farm (including the appeal site) confirmed that the land had been divided into fields or enclosures by the first or second century AD, with pit-like features containing industrial waste (probably from metalworking). A detailed summary of these investigations is included below:

2012 geophysical survey (CD 1.15)

- 5.19 A magnetometer survey was undertaken in September 2012 by Archaeological Surveys Ltd which covered a total area of 11 ha, 2.27ha of which is the appeal site. The survey was undertaken to inform a potential future planning application.
- 5.20 The survey located a number of positive linear, rectilinear, curvilinear and discrete anomalies of archaeological potential that were likely to be associated with former

enclosure and boundary ditches. A plan (abstraction and interpretation of magnetometer survey anomalies) of the geophysical survey results can be found in Figure 05 in CD 1.15.

- 5.21 Two clusters of anomalies in the southern part of the site appeared to contain strongly enhanced magnetic material which were also associated with linear anomalies representing former ditches. It was also noted that the ditches appeared to contain strongly enhanced material close to these clusters which may have signified areas of intense burning or industrial activity.
- 5.22 In addition, a series of parallel anomalies, predominantly in the northern extent of the geophysical survey area, related to former boundary or cultivation features which were visible as extant earthworks and were reflected by the extant field boundaries.
- 5.23 Features within the appeal site included positive linear ditch-like features, possible former field boundaries and areas or spreads of magnetic disturbance.

2013 archaeological evaluation (CD 1.16)

- 5.24 It was agreed between the council's then archaeologist and English Heritage (now Historic England) that a programme of targeted trench evaluation would be required to further assess the results of the geophysical survey undertaken in 2012. Scheduled Monument Consent (SMC) was granted by the Secretary of State (S00055618) on 28 March 2013 for works within the scheduled area. All fieldwork was monitored by the council's archaeologist and English Heritage's Inspector for Ancient Monuments.
- 5.25 Cotswold Archaeology undertook the evaluation between 11th and 25th April 2013 and excavated a total of 13 trenches, two of which were in the pre-2014 scheduling extent and four of which were located within the appeal site.
- 5.26 A summary of the trenches excavated within the appeal site and the geophysical survey anomalies they were targeting is provided in Table 1 below. A plan of the evaluation overlaid onto the geophysical survey results is provided in figure 2 in CD 1.16.

Table 1: Summary of geophysical survey and archaeological evaluation carried out in 2012 and 2013

Trench	Geophysical survey anomalies	Evaluation results	Finds recovered
2	Three positive linear anomalies (possible former field boundaries relating to earthworks visible on aerial photographs)	Trench 2 contained NW/SE oriented ditches 203, 212 and 214. They were identified broadly as conforming to the orientation of the current field system. Only ditch 203 was fully excavated and was found to contain a cement mortar and modern finds. Ditches 212 and 214 only had their uppermost fills removed, which were identical to that of ditch 203. It appears to be assumed that they were modern field boundary ditches. Furrow 206 (oriented NE/SW) was also investigated, but no dateable material was recovered from its single fill.	Two sherds of post-1800 pottery (refined whiteware fabrics) and an undated iron object.
3	Several patches of magnetic debris (unknown origin)	Single NW/SE oriented ditch containing 2 sherds of broadly Roman pottery. Ditch corresponded to linear anomaly identified through geophysical survey. Other anomalies targeted by this trench were not identified.	2 sherds Roman coarse grey-ware pottery
4	Several weak positive linear and rectilinear anomalies (possible ditch-like features)	Ditch 403 was oriented NE/SW in the NW part of the trench and corresponded to a geophysical survey anomaly probably representing a rectilinear enclosure. No dating evidence was recovered from the ditch. Furrow 405 was not excavated.	None
5	Weakly positive curvilinear anomalies (possible ditch-like features)	Two postholes were located at the centre of the trench. Modern wooden posts were observed in both features. Three circular pits contained no dateable material. The rectilinear earthwork identified on historic aerial photographs and geophysical survey anomaly was not identified in this trench.	None

5.27 Several features identified on the geophysical survey were not investigated during the 2013 evaluation including linear anomalies and spreads of magnetic disturbance.

- 5.28 Trenches 6 and 10 lie just outside of the appeal site, but included archaeological remains and artefactual evidence in the form of probable enclosure ditches with pottery sherds (dated between the Late Iron Age to 1st century AD) fragments of iron working slag and a T-shaped copper alloy brooch of 1st century AD date.
- 5.29 The close proximity of these remains must be considered, particularly that of the eastern extent of Trench 6 and the recovery of iron working slag as such evidence may also be present within areas of the Appeal Site which were not subject to evaluation.

2014 scheduling revision

- 5.30 Based on the results of geophysical survey and evaluation, Bridgeman's Field (the appeal site) was assessed for scheduling by English Heritage in 2014. The assessment was undertaken in response to proposed development on the Site.
- 5.31 The DCMS Policy on Scheduled Monuments (CD 16.1) states that prior to 'updating the Schedule the Secretary of State is required to consult English Heritage. In practice, the Secretary of State usually considers recommendations put forward by English Heritage, together with the implications of designating Scheduled Monuments. These implications include, but are not limited to:
- highlighting the significance of national important ancient remains
 - securing their legal protection in situ;
 - regulating potentially harmful interventions; and
 - providing the opportunity for the ongoing involvement of English Heritage in their conservation and management.'
- 5.32 English Heritage concluded that the national significance of the Gatcombe Roman site was recognised when it was first scheduled in 1955, and although the 2013 evaluation was limited in its scope, sufficient evidence had been revealed through geophysical survey and the evaluation to confirm that the site, in close juxtaposition to the already scheduled area, contained considerable archaeological potential. It was also noted that despite some cultivation, the survival within Bridgeman's Field was considered to be good and therefore the scheduled area should be extended to include the known extent of nationally important archaeological remains.
- 5.33 Historic England's Scheduling Selection Guides were utilised in the scheduling assessment of the appeal site in 2014. Two of these guides were referenced in the assessment: *Settlement Sites to 1500* and *Industrial Sites* (CD 16.3 & 16.4). Key sections of these guides are included below due to their relevance to the appeal site:

- *Settlement Sites to 1500* (CD 16.3, pp.22-23)

Rarity: In most periods, settlement sites exhibit marked regional variation, responding (among other variables) to local traditions, economies, building materials and terrain. It is important that candidates for scheduling reflect this variation.

Potential: One of the key purposes of scheduling is to offer protection to high-quality archaeological remains which have the potential to yield information about the site and its period.

Group Value: Settlements rarely stood alone: they typically lie alongside, or within walking distance, of the places where the inhabitants worked: such as farmland or an industrial complex. The claim to designation will tend to be strengthened where settlement remains lie alongside at least a representative sample.

- *Industrial Sites* (CD 16.4, p.4)

The expansion of settlements and towns under Roman control led to an increase in scale of domestic and agricultural industries such as corn milling and tanning, as well as a wide range of craft and small-scale manufacturing industries. These are typically identified as components of settlements, rather than as isolated sites and are thus normally considered for designation as components of larger sites.

- 5.34 The listing description of Gatcombe Roman site (Appendix 1) demonstrates which of the criteria are met within the Scheduling Selection Guides.
- 5.35 Historic England refer to the decision to extend the scheduling having been appealed by the Long Ashton Land Company in their letter dated 5th April 2023 (CD 15.1). They state that the applicant requested a review of the scheduling decision which was supported by a rebuttal document. The letter summarises that further geophysical survey and re-evaluation of the site was to be undertaken.
- 5.36 Geophysical survey comprised both magnetometry and resistivity and was undertaken by GSB Prospection Ltd in June and July 2015, with the subsequent report dated 16th July 2015 (CD 16.7). The surveys identified anomalies of archaeological origin in the western portion of the site (the appeal site) and accorded with the 2012 geophysical survey results (CD 1.15).
- 5.37 Historic England responded to the rebuttal and results of the geophysical survey and re-evaluation of the site. DCMS considered this information in addition to that already submitted and upheld the decision to extend the scheduling to include the appeal site and the adjacent field.

6. Planning permissions granted within the Scheduled Monument

- 6.1 As referred to in the council's Statement of Case (CD 8.1), a number of planning permissions and Scheduled Monument Consent applications have been granted in recent years within the extent of the Scheduled Monument. All of the planning permissions granted within the extent of Gatcombe Roman site have either benefitted or enhanced the setting of the nearby listed buildings and the Scheduled Monument or have resulted in neutral effects on the significance of the Scheduled Monument. Appendix 3 of this evidence lists the applications and permissions in full, but a summary is provided below.
- 6.2 Permission was granted under references 16/P/1204/F, 17//P/2250/F and 18/P/4061/FUL for the redevelopment and part-demolition of agricultural buildings at Gatcombe Farm. The proposals comprised the part-demolition of units 1, 6, 7, 9 and 10 and creation of five residential units on their footprints, and part-demolition of unit 8 to allow for access to the units.
- 6.3 A desk-based assessment and Heritage Impact Assessment were submitted to support application reference 18/P/4061/FUL. These documents concluded it would be unlikely that any significant archaeology would be encountered within the footprint of the agricultural buildings due to extensive excavation in the 1960s/70s which largely left that part of the Scheduled Monument sterile, but that remains may be present in previously undeveloped/undisturbed areas, particularly within the proposed drainage scheme.
- 6.4 Historic England accepted there would be minimal impact on archaeology and regard had been paid to the significance of the heritage asset when determining weight given to its preservation. It was also agreed that redevelopment of the dilapidated farm buildings would enhance the setting of the Grade II listed Gatcombe Farmhouse.
- 6.5 Subsequent planning and listed building consent applications were supported by Heritage Impact Assessments and conditions were placed on each permission for the applicant to apply for Scheduled Monument Consent and for a programme of archaeological monitoring and recording to be implemented during all associated groundworks.
- 6.6 Where complete, fieldwork reports have been produced and submitted to North Somerset Council and Historic England to comply with these conditions. Of the applications that have been granted permission and have commenced development

works, only two have so far encountered archaeological remains or artefactual evidence (Unit 1 and Unit 5). The overall drainage scheme was also subject to archaeological monitoring and recording but only recovered limited artefactual evidence.

6.7 A summary of the results of the other programmes of monitoring and recording is provided in Table 2 below:

Table 2: Results of archaeological monitoring and recording under original application 18/P/4061/FUL and subsequent applications

Unit/scheme	Description/results
Unit 1	Phase 1 revealed a distinct Roman occupation layer. Further groundworks are due to take place later in 2023 meaning the fieldwork is not yet complete and a report has not been submitted to North Somerset Council and Historic England.
Unit 5 (plot 9 on original plan)	A total of c. 42 linear metres of machine trenching was excavated as footing trenching within the curtilage of Plot 9. The trench stratigraphy was uniform throughout, comprising a concrete floor (measuring c. 0.25m across the site), subbase material (measuring to a maximum thickness of c. 0.30m). It was deduced that the subbase material on the eastern side of the plot (and recorded in section) was building material from a Roman building. Two small Roman pottery sherds (probably Severn Valley ware) were recovered from the NE corner of the plot.
Unit 6 (plot 7 on original plan)	Groundworks commenced November 2021 and extended over two days. The watching brief revealed no significant archaeological deposits, features or artefacts.
Unit 7 (plot 6 on original plan)	Groundworks commenced April 2021 and extended over five days. The watching brief revealed no significant archaeological deposits, features or artefacts.
Units 9 and 10 (plot 4 and 5 on original plan)	Groundworks commenced 11 th April 2022 and extended over three days. The watching brief revealed no significant archaeological deposits, features or artefacts.
Drainage scheme	A watching brief was undertaken in November and December 2020. This yielded little in terms of Roman archaeology but did reveal that much of the Roman settlement remains identified by excavations undertaken between 1954 and 1977 had been historically removed within those areas where the service trenching is located. The only area to yield any artefactual evidence was in trenching located immediately south of the south-facing garden of Gatcombe farmhouse. The artefacts include Romano-British greyware pottery and fragments belonging to a large amphora vessel. These artefacts were contained within a colluvial deposit and were therefore considered residual.

- 6.8 19/P/1743/FUL is the only application to have been granted permission outside of the walled town itself. The application was for an agricultural barn to the east of the walled town and is summarised in the following paragraphs.
- 6.9 Based on the results of the 2012 geophysical survey (CD 1.15), pre-determination evaluation was required to inform whether archaeological deposits were present and the need to implement an appropriate mitigation strategy.
- 6.10 The applicant was granted Scheduled Monument Consent (S00240173, 2019) for the evaluation, which was undertaken in August 2020 by Archaeological Landscape Investigation.
- 6.11 Two evaluation trenches were excavated within the footprint of the proposed agricultural building but revealed no significant archaeological features with only a small quantity of unstratified post-medieval ceramics recovered from the topsoil in one trench.
- 6.12 The rationale for granting planning permission and Scheduled Monument Consent for this agricultural building was to enable the applicant to amend land management and agricultural practices within the Scheduled Monument. The proposal would allow the applicant to continue to rear livestock on the farm which would avoid the land being used for arable production, which would have negatively impacted on the nationally important archaeological remains. Arable cultivation damages archaeological remains by levelling out earthworks, by cutting through and churning up below-ground remains, and by eroding protective layers of soil.
- 6.13 In 2018 consideration was given to a site to the west of Gatcombe Farm for an agricultural building, but it was found to be unviable.
- 6.14 The 2019 assessment of the proposal for an agricultural building considered that regard had been paid to the significance of the Scheduled Monument when determining the weight to be given to its conservation. In addition, given the constraints of the farm-holding it was considered the best location as the building would also be screened from long views by trees.
- 6.15 Two conditions were placed on the permission, one for the applicant to apply for Scheduled Monument Consent for the erection of the agricultural building and comply with conditions set by Historic England, and another for a programme of archaeological monitoring and recording (watching brief) to be undertaken for all groundworks associated with the erection of the building.

Relevant planning applications close to the appeal site

- 6.16 Planning permission was granted for the erection of 3no. detached houses and demolition of double garage to construct private shared access driveway at 1 Warren Lane, Long Ashton. This site lies adjacent to the Appeal Site (to the south-east) but is outside of the scheduled area of Gatcombe Roman site.
- 6.17 The applicant had previously applied for 4no. detached dwellings to be erected within the garden of 1 Warren Lane (18/P/4939/FUL). This application was accompanied by a Heritage Statement (O’Leary Goss, 2018) which confirmed its location in proximity to the Scheduled Monument but omitted any assessment of impact on the setting or significance of the monument. I requested that a desk-based assessment (to include a heritage impact assessment) should be submitted by the applicant, and a programme of archaeological evaluation should be undertaken prior to determination of the application to assess the potential for archaeological remains within the site. Historic England concurred with these requests. However, the applicant withdrew their application before these matters were addressed.
- 6.18 A second application was submitted for 4no. detached dwellings (19/P/1045/FUL) which was accompanied by a Heritage Statement (O’Leary Goss, 2019), a Heritage Desk-Based Assessment (Cotswold Archaeology, 2019) and an evaluation was also undertaken as part of this application. The evaluation (Cotswold Archaeology, 2019b) revealed no archaeological features or deposits, and no further work was proposed. However, the application was refused on grounds relating to density, scale and height of the buildings. The applicant appealed this decision but the appeal was dismissed.
- 6.19 A third application was submitted in 2020 for 3no. detached houses (20/P/2145/FUL) and was approved in 2021. Based on the evidence from the evaluation undertaken as part of the earlier applications there was no requirement for further archaeological investigation.

7. Contribution made by the appeal site to the significance of Gatcombe Roman site

- 7.1 The appeal site lies wholly within the nationally important Scheduled Monument of Gatcombe Roman site.
- 7.2 Archaeological fieldwork undertaken since the rediscovery of the Gatcombe Roman site in 1838 and its initial interpretation as a villa site, has completely transformed the understanding of Romano-British (and earlier) occupation at this location, which led to its reinterpretation as a small Roman walled town with associated field systems and Iron Age settlement remains.
- 7.3 The location of the Iron Age and Roman activity in this valley is at a slightly higher point in the valley floor and the watercourses flow away from this high point. Gatcombe Roman site occupies a 'unique position in North Somerset, being located on the watershed of the only, relatively narrow, land-bridge between Broadfield Down to the south and the Failand Ridge to the north. This natural route provides the only dry crossing from ports on the Severn Estuary, Clevedon, Portishead, Pill and Portbury, to inland areas towards Bath and Mendip' (Smisson and Groves, 2011).
- 7.4 The buried remains of the settlement and its associated archaeology are located in a landscape of modern agricultural and mixed farming practices, as would have been the case in the Iron Age and Roman periods (see paragraph 5.9 of this proof).
- 7.5 Romano-British field systems and enclosure ditches are relatively common nationally however they are rarely so closely associated with contemporary settlements of note. In such instances, as at Gatcombe Roman site, they are afforded higher significance and designation practice is to schedule such field systems where they are associated with a settlement.
- 7.6 As stated in paragraph 5.31 of this proof, the appeal site was not included in the scheduling extent until 2014. Based on the results of the suite of archaeological investigation undertaken between 2012 and 2013 the scheduling was extended as the archaeological remains within this and the adjacent field were recognised as being of national importance. This is due to the survival of industrial activity and the association with the walled Roman settlement and its wider landscape.
- 7.7 These associated field systems provide both historical and evidential value with regard to significance of the appeal site, as set out in Historic England's Conservation Principles (CD 16.9). There is also some aesthetic value.

- 7.8 In terms of historical value, the appeal site has illustrative value, the ‘perception of a place as a link between past and present people’ (CD 16.9, p. 29). Conservation Principles also offers further clarification stating, ‘illustrative value has ‘the power to aid interpretation of the past through making connections with, and providing insights into, past communities and their activities through shared experience of a place’. It is the ability of an asset to illustrate its original purpose and the activities it supported and this value may be affected by several factors including its relationship with other associated assets.
- 7.9 The appeal site also has clear evidential value, which derives from ‘the potential of a place to yield evidence about past human activity’ and ‘the physical remains [...] that have been inherited from the past’ (CD 16.8, p. 28).
- 7.10 Aesthetic value derives from ‘the ways in which people draw sensory and intellectual stimulation from a place’ and ‘some aesthetic values are not substantially the product of formal design, but develop more or less fortuitously over time. They include, for example, the seemingly organic form of an urban or rural landscape’ (CD 16.9, p. 31)
- 7.11 The heritage value of the appeal site is confirmed in paragraph 6.2 of the Historic Environment Desk-Based Assessment (hereafter referred to as HEDBA, CD 1.17) which states, ‘the features identified could be associated with the wider field system connected with the Roman settlement and have some limited evidential and historical value as heritage assets by providing information on the early development of the area’.
- 7.12 As noted in paragraph 5.31 of the HEDBA (CD 1.17), not all potential archaeological features identified through the 2012 geophysical survey were investigated as part of the 2013 evaluation. However, it was demonstrated that those which had been evaluated met the criteria for Scheduling and there may be additional remains within the appeal site relating to the Iron Age or Roman occupation/activity, which would further contribute to the significance of the Scheduled Monument.
- 7.13 The archaeological remains within this section of the Scheduled Monument have the potential to further our understanding of the development of the Roman town and how the surrounding land was utilised and exploited.
- 7.14 Conservation Principles (CD 16.9, p. 36) states that ‘physical remains of past human activity are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them’ and ‘their evidential value is proportionate to their potential to contribute to people’s understanding of the past’.

7.15 The HEBDA (CD 1.17) provides an assessment of the contribution of the site in paragraph 5.19 which states, 'direct associations between the Settlement and the Site have been identified [during this assessment] and the previous works undertaken which recorded the presence of one likely Roman period ditch and several undated ones which may be associated with the field system relating to the Settlement. The Site would have been part of the agricultural hinterland of the Settlement and hence it would have been part of its setting; and considering the known evidence, it does make a small positive contribution to the Settlement's significance'.

Contribution to the setting of the Scheduled Monument

7.16 Historic England's 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (hereafter referred to as GPA 3, CD 16.8) states 'Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer, they nonetheless retain a presence in the landscape and, like other heritage assets, have a setting'. In addition, 'settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance' (p. 4).

7.17 The rural character of the appeal site and the other Scheduled fields form part of the setting of the walled Roman settlement and contribute to the experience of the monument within its wider rural landscape.

7.18 The landscape context of the site is still evident today, being on the lower south-facing slope of the valley, close to a water source. The rural character, except for later Medieval and Post-medieval field boundaries, has changed little from the original character of the monument, thus forming part of its historical and aesthetic significance.

7.19 Whilst more modern field boundaries (largely comprising hedges with intermittent hedgerow trees) and slight changes in topography somewhat limit visibility across the Scheduled Monument from the appeal site to the main walled settlement and back to the appeal site from the main walled settlement, it is still intelligible from various locations to the north where the ground slopes down towards Weston Road, and the railway line cutting to the south (see Appendix 2 figures 19 and 22).

7.20 Views are afforded across the appeal site and the wider Scheduled Monument through hedgerows along Warren Lane (see Appendix 2 figure 18).

7.21 The Public Right of Way affords key views across the Scheduled Monument as a whole. Figures 19, 20 and 21 in Appendix 2 illustrate the wide-ranging views from the Public Right of Way which emphasise the significance of the open, rural character

extending from the walled settlement to the urban edge of Long Ashton. Figures 19 and 20 also show that whilst hedgerows and hedgerow trees somewhat screen views of the appeal site from the Public Right of Way, there are still glimpsed views.

- 7.22 Paragraph 6.8 of HEDBA (CD 1.17) states 'it is considered that the Site is an element of setting of the Roman Settlement Scheduled Monument which makes a small positive contribution to its significance due to the presence of related buried archaeological remains which contribute to the interpretation of the Settlement's landscape and development'.
- 7.23 Paragraphs 5.16 and 5.17 of the HEDBA (CD 1.17) assess the ways in which the Scheduled Monument can be experienced within and around the Appeal Site, including the following statement 'some of the fields are not publicly accessible and the remains are subsurface, meaning it is not possible to observe and discern any archaeological features or remains' and 'limited access, in conjunction with the lack of signage, [...] identification of the scheduled area, and of the Settlement itself, is greatly impaired, and the general public will not be aware of its location'.
- 7.24 However, GPA3 (CD 16.8) clearly states 'while the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible' (p. 5).
- 7.25 Further, setting does not have to be accessible to the public to contribute to an asset's significance. GPA3 (CD 16.8) states 'because setting does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of setting to a local community who may be few in number' (p. 4).
- 7.26 PPG paragraph 013 (CD 10.1) also maintains that setting is not defined by public access, stating 'the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.'

8. Assessment of Impact

Physical loss of remains (direct impact)

- 8.1 The proposed development within the appeal site would result in the removal of all archaeological remains. These archaeological remains form the part of the archaeological interest and evidential value of the Scheduled Monument of Gatcombe Roman site which contributes to its significance.
- 8.2 Within the appeal site the harm would be substantial, however, when assessed against the Scheduled Monument as a whole, the level of harm through the loss of these archaeological remains would be less than substantial, at the upper end.
- 8.3 The removal of archaeological remains within the appeal site would remove this positive contribution, thus harming the significance of the wider Scheduled Monument.
- 8.4 As mentioned in Section 4 of this Proof the Appellant also submitted a CEMP (CD 1.20) as part of the planning application. Under Section 4 (Archaeology and cultural heritage) of the CEMP the Scheduled Monument is referred to once, but its designated status and the relevant legislation is not referenced in Section 3.1 National Legislation.
- 8.5 Table 4-1 of the CEMP states that the appeal site contains ‘some indeterminate features of low to zero heritage significance’. It also refers to the off-site evidence of metal smelting (within the southern area of the site) and states that cropmarks and possible earthworks are likely to be representative of medieval and later agricultural remains (rather than a Roman field system). This has not been determined either way due to the paucity of dateable artefactual material from the limited evaluation of the site. In addition, the appeal site lies within a Scheduled Monument, so the heritage significance cannot be ‘low to zero’.
- 8.6 Table 5-1 of the CEMP offers preliminary identification of potential impacts. Regarding archaeology and cultural heritage the document states, ‘impact on below-ground archaeological deposits within those areas identified for the location of deep excavations for building foundations, drainage and utility routes, and in those areas where there will be substantial stripping of top- and sub-soil for the purposes of landscaping and creation of roadbeds’.
- 8.7 The CEMP also includes a table detailing all mitigation measures and includes a section on ‘loss of archaeological remains’. The mitigation measure states ‘a whole-area strip, map and record strategy will be required. The programme of archaeological work would need to be agreed with the North Somerset archaeological officer and with

Historic England, who will determine any terms and conditions for Scheduled Monument Consent'. It should be noted that the Appellant has not approached either myself or Historic England to discuss an appropriate mitigation strategy nor have they applied for Scheduled Monument Consent. This was confirmed in Historic England's letter dated 5th April 2023 (CD 15.1).

- 8.8 Conservation Principles (CD 16.9) sets out that 'evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past' (p.45). The appeal scheme would result in the loss of this 'fabric' through the removal of all archaeological remains within the appeal site.
- 8.9 Cotswold Archaeology state in the HEDBA (CD 1.17) 'the proposals would not constitute unacceptable development as defined by planning guidance or local planning policies. In particular, the effect of the proposed development would be below the level of substantial harm as defined by the NPPF to the Scheduled Monument' (paragraph 6.8). However, it has been agreed in the Statement of Common and Uncommon Ground (CD 11.1) that the level of harm would be less than substantial, so the statement is irrelevant to the Appellant's argument.
- 8.10 Paragraph 84 of Conservation Principles (CD 16.9) states, 'Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effect on heritage values. It is only harmful if (and to the extent that) significance is eroded.' The Appeal Scheme would result in the erosion of the significance of the Scheduled Monument of Gatcombe Roman site through the removal of archaeological remains (evidential value).
- 8.11 Paragraph 6.6 of the HEDBA (CD 1.17) states 'the proposals have the potential to truncate or possibly remove, any archaeological remains within the Site. [...] it is acknowledged that the Site does lie within the designated area of a Scheduled Monument and that status does have an influence on the mitigation strategy to be followed'.
- 8.12 Paragraph 6.7 of the HEDBA (CD 1.17) states 'the archaeological features recorded on the Site only make a minor contribution to the significance of the Scheduled Roman Settlement'. The level of harm is assessed as less than substantial which they say could be 'mitigated through an appropriate and proportionate programme of mitigation and recording'.

- 8.13 It has already been demonstrated through the refusal of the planning application that the total loss of archaeological remains was not supported by clear and convincing justification so as to outweigh the harm to the Scheduled Monument. The statement is also potentially nullified if the Secretary of State does not grant Scheduled Monument Consent, which they are unlikely to considering the level of harm that would result from this proposal to the nationally important heritage asset and through the lack of public (heritage) benefits the proposal would offer. Historic England, in their consultation response (CD 16.5), state ‘Scheduled Monument Consent (SMC) has not yet been applied for and any application for SMC will be assessed against the DCMS Policy Statement’ (CD 16.1). CD 16.1 is also referred to in this consultation response, ‘the Guide says that some development in a Scheduled Monument is possible under certain circumstances. Those circumstances are allowed where a proposed development is shown to cause no harm to the significance of the Scheduled Monument [...] if there is less than substantial harm caused by the development the public benefits of the proposals will then be weighed against that harm. However the purpose of scheduling is to preserve monuments in the state they are in the time of scheduling. The Secretary of State therefore will not grant consent for development that is contrary to these policies’.
- 8.14 In paragraph 6.5 there is also reference to the need to apply for Scheduled Monument Consent, which the Appellant has not yet applied for (see also paragraph 8.7 above and CD 15.1 & CD 16.5).

Impact on setting (indirect impact)

- 8.15 The appeal site currently comprises agricultural land and is the last open field before entering the village of Long Ashton along Weston Road (Figure 13 Appendix 2). The proposed development would extend the urban edge of Long Ashton which would negatively impact on the setting of the Scheduled Monument through change to its rural character.
- 8.16 The rural character of the appeal site and the other Scheduled fields form part of the setting of the walled Roman settlement and contribute to the experience of the monument within its wider rural landscape, as well as the rationale for the siting of the settlement (see also 7.3 of this proof). Development at this location would result in loss of this significance and impact the way in which the Scheduled Monument is experienced.
- 8.17 Cotswold Archaeology consider that the Appeal Site is ‘an element of the setting of the Roman Settlement Scheduled Monument which makes a small positive contribution to

its significance' and that the proposed development 'would introduce a degree of change to the setting of the Roman Settlement Scheduled Monument by removing a small area of its former agricultural hinterland' (paragraph 6.8, CD 1.17).

- 8.18 Paragraph 5.20 of the HEBDA states 'the Site is not a location from which the special historic interest of the Settlement [...] is best experienced', however whilst the appeal site does not have direct views to and from the main walled settlement, other elements the wider Scheduled Monument are clearly visible. In addition, when walking along the Public Right of Way to the north, views are afforded of the appeal site and the main walled settlement, along with other elements such as lynchets (see figures 19 to 22 Appendix 2).
- 8.19 The Appellant has set out in their Statement of Case (CD 9.1) that the harm that would result through development of the appeal site and removal of archaeological remains would be negligible and would be offset by providing interpretation material that explains the presence of the buried archaeological remains to the west of the appeal site, and this would be a 'material public (heritage) benefit that offsets the [negligible] effect'. This is contra to NPPF paragraph 205 (see paragraph 8.32 of this proof).
- 8.20 Historic England were clear in their consultation response to this application dated 15 December 2021 (CD 16.5) that there were no heritage benefits to this proposed scheme. They concluded that the 'level of harm caused to this highly designated asset is in our view contrary to NPPF and DCMS policies and we cannot support this application'. The recommendation was for the application to be refused 'due to the harm it would cause to the significance of a heritage asset of the highest importance. [...] the application does not meet the requirements of the NPPF, in particular paragraph numbers 195, 199, 200, 201, 202 and 205'.
- 8.21 Less than substantial harm to designated heritage assets should be given appropriate weight in terms of NPPF (paragraph 199) and other policies and guidance, as demonstrated in the following paragraphs. The overall balance will be undertaken in the Planning proof.

Contrary to DCMS Policy on Scheduled Monuments & nationally important but non-scheduled monuments (CD 16.1)

- 8.22 Paragraph 6 of the DCMS Policy on Scheduled Monuments (2013) states, 'Under the terms of the 1979 Act the Secretary of State has a duty to compile and maintain a schedule of ancient monuments of national importance, the purpose of which being to

help preserve them, so far as possible, in the state in which they have come down to us today.’

8.23 The DCMS Policy clearly states in paragraph 18: In determining if requests for SMC should be granted (conditionally or unconditionally) or refused the Secretary of State gives great weight to the conservation of Scheduled Monuments.

8.24 Paragraph 20 of the DCMS Policy refers to non-research-related purposes:

In the remainder of cases, including works proposed for development-, conservation- or presentation-related purposes, the Secretary of State has particular regard to the following principles:

- *only in wholly exceptional cases will consent be granted for works that could result in substantial harm to, or loss of, the significance of a Scheduled Monument; and*
- *in cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal.*

Though relevant, the potential to record evidence of the past is not considered by the Secretary of State to be an important factor in determining if SMC should be granted in such circumstances. Consequently it will normally be given little weight.

8.25 Historic England stated in their consultation response (CD 16.5) when referring to the DCMS Policy, ‘The Secretary of State will not grant consent for development that is contrary to these policies’.

8.26 At the time of producing this Proof of Evidence the Appellant had not applied for Scheduled Monument Consent (SMC). The 2013 DCMS Policy on Scheduled Monuments states the following on page 15:

SMC is separate from the statutory planning process. However, the two processes can run in parallel if planning permission is also required for proposed works to a Scheduled Monument. If so, they are often best handled if both applications are prepared at the same time.

Contrary to Core Strategy (Policy CS5) and North Somerset Sites and Policies Plan Part 1 (DM6 Archaeology) (CD 4.1 & 4.2)

- 8.27 The proposal for the removal of all archaeological remains within the appeal site is contra to both CS5 of the Core Strategy and DM6 of the North Somerset Sites and Policies Plan Part 1.
- 8.28 Policy CS5 states 'The council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as [...] scheduled monuments'.
- 8.29 Policy DM6 states, 'It is nearly always preferable that archaeological remains are preserved 'in situ' as even archaeological excavation means the total destruction of evidence, apart from removable artefacts.'

Contrary to NPPF

- 8.30 Paragraph 195 of the NPPF states significance of a heritage asset should be taken into account 'when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'. The appeal scheme would cause harm to the heritage asset of national importance and therefore does not avoid or minimise impact on its conservation.
- 8.31 NPPF paragraph 199 states 'when considering the impact of developments on the significance of a designated heritage asset, great weight should be given to its conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. The Appeal Site is within a Scheduled Monument therefore great weight should be given to its conservation.
- 8.32 As per paragraph 202, 'where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits'. The Appellant proposes to remove all archaeological remains within the appeal site and provide on- (or off-) site interpretation as a public benefit.
- 8.33 The Appellant's proposal to remove all archaeological remains within the appeal site is not in line with paragraph 205 of the NPPF which states 'the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Planning Practice Guidance (CD 10.1)

8.34 The Appellant proposes public benefit through the provision of on- or off-site interpretation if the archaeological remains were to be removed, however it has been demonstrated through the refusal of the application that this loss was not justified. Paragraph 002 (Reference ID: 18a-002-20190723) of PPG states, 'part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available

9. Appeal decisions relevant to this site

Research was undertaken to find examples of cases with reference to proposed development on Scheduled Monuments which would be relevant to this Appeal, but none were identified. The following is a recent decision dated 25th August 2022. It is from the same district and under the same policy framework and is therefore highly material.

9.1 APP/D0121/W/22/3292065 Land at Butts Batch, Wrington (CD 6.4)

- 9.1.1 The appeal was for an area of land within the setting of a Grade I listed church and the impact on the heritage significance and character from the proposed residential development. The Inspector highlighted the impact on the setting of the church through the proposed development and ruled that whilst the total weight of benefits would be great they were “not collectively sufficient to outbalance the identified ‘lowermost’ less than substantial harm to the significance of the listed church”.
- 9.1.2 Particular observations most relevant to this Appeal made by the Inspector include paragraphs 17, 18 and 19.
- 9.1.3 The Inspector’s remarks in paragraphs 44 to 49 add the test within the NPPF and relevant development policies.
- 9.1.4 The Inspector concluded in paragraph 56 that the scheme “would lead to less than substantial harm to the significance of the Church of All Saints as a designated heritage asset.
- 9.1.5 It should be noted that Scheduled Monuments are afforded greater weight than Grade I listed buildings.

10. Summary Conclusions

- 10.1 As set out in NPPF paragraph 189, heritage assets are an 'irreplaceable resource, and should be conserved in a manner appropriate to their significance'. Great weight must be given to the protection of this heritage asset in terms of NPPF paragraph 199.
- 10.2 Gatcombe Roman Site is a Scheduled Monument, protected at the highest level, meaning it is a nationally important heritage asset of exceptional interest. Enclosed nucleated settlements dating to the Roman period account for 0.58% of all Scheduled Monuments in England.
- 10.3 The appeal scheme would result in harm to the Scheduled Monument through the removal of all archaeological remains within the appeal site and negatively impact the significance of the Scheduled Monument through inappropriate change to its setting.
- 10.4 The level of harm is assessed to be at the upper end of less than substantial and NPPF paragraph 202 states 'where a development proposal will lead to less than substantial harm of a heritage asset, this harm should be weighed against the public benefits of the proposal.'
- 10.5 Clear and convincing justification for the harm to the Scheduled Monument has not been provided by the Appellant, which is contrary to NPPF paragraph 200b.
- 10.6 The Appellant proposes to offset any harm by providing interpretation of the archaeological remains (after excavation) either on-site or at a nearby location, however NPPF paragraph 205 states 'the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'. Historic England concluded there would be no heritage benefits from this proposal.
- 10.7 The appeal scheme is also contrary to DCMS policy and local development plan policy. The DCMS policy states that under the Ancient Monuments and Archaeological Areas Act 1979, the purpose of scheduling is to help preserve monuments of national importance 'in the state in which they have come down to us today'. Policy CS5 of the Core Strategy stipulates that the council will 'conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as [...] scheduled monuments', and Policy DM6 states, 'it is nearly always preferable that archaeological remains are preserved 'in situ' as even archaeological excavation means the total destruction of evidence, apart from removable artefacts'.
- 10.8 The appeal scheme also does not adhere to the guidance set out in Historic England's Conservation Principles, which states 'the historic environment is constantly changing,

but each significant part of it represents a finite resource. If it is not sustained, not only are its heritage values eroded or lost, but so is its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity’.

10.9 Similarly, the appeal scheme does not accord with guidance set out by Historic England on the setting of heritage assets as it would extend the urban edge of Long Ashton and negatively impact the Scheduled Monument’s significance through change to its rural character.

10.10 The Appellant would require Scheduled Monument Consent for any development within the appeal site. There is no evidence to suggest it has been applied for. Further, Historic England stated in their consultation response, ‘If there is less than substantial caused by the development the public benefits of the proposals will then be weighed against that harm. However the purpose of scheduling is to preserve monuments in the state they are in at the time of scheduling (DCMS 2013 paragraph 6). The Secretary of State therefore will not grant consent for development that is contrary to these policies.’

10.11 For these reasons I therefore respectfully invite the Inspector to dismiss the appeal.

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- Historic England (2015) *The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning 3 (HEAG038)*

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Historic England (2023) *(Letter by email) Re Land to the South of Warren Lane North of Weston Road Long Ashton. Application Ref: 21/P/3076/OUT Appeal Ref: APP/D0121/W/23/3315584*

O'Leary Goss (2018) *Residential Development at 1 Warren Lane, Long Ashton: Heritage Assessment*

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Appendix 1 - National Heritage List for England Listing Description

(<https://historicengland.org.uk/listing/the-list/list-entry/1011978>)

Roman settlement, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Farm

List Entry Number: 1011978
Date first listed: 05-Dec-1955
Date of most recent amendment: 27-Nov-2014

Location Description: The area is approximately 250m north of Cambridge Batch, Long Ashton, Somerset, at Gatcombe Farm and the land around it. The southern boundary follows the north side of Weston Road from ST5229069723 in the west to ST5324769879 in the east. The northern boundary follows the edge of the Shipley Brake/ George's Hill woods from ST5251170223 in the west to ST5294570344 in the east.

Location

The building or site itself may lie within the boundary of more than one authority.

District: North Somerset (Unitary Authority)
Parish: Long Ashton
National Grid Reference: ST5276870003

Summary

A Roman settlement, an associated irregular aggregate field system and earlier Iron Age settlement remains, overlooking the Land Yeo river valley.

Reasons for Designation

The Roman settlement, part of an associated field system and earlier Iron Age settlement remains, at Gatcombe Farm, Long Ashton, North Somerset is designated as a Scheduled Monument for the following principal reasons:

- * Rarity: as a Roman small urbanised settlement with associated field systems, and with evidence of earlier occupation, the Gatcombe settlement is relatively rare in a national context;
- * Potential: the site as a whole has a high potential for adding to our understanding of the contemporary agricultural and industrial methods, and the social and economic changes that the Roman Conquest brought;
- * Group value: the area probably formed part of a wide network of Roman sites, with links to settlements in Bath and most probably Bristol.

History

The settlement, commonly known as the Gatcombe Roman site, was an Iron Age settlement that was Romanised in c. 50-80 AD and grew to become a commercial agricultural centre that traded via a road linking Bath to Portbury or Pill, and possibly north via a road to the River Avon and the town of Abonae beyond. Several phases of farmsteads were established, the last of which was deserted in c.200 AD. A wall up to 5m thick was constructed in the late third or early fourth century, enclosing an area of c.7ha. During the same period the northern part of the site was extensively redeveloped. The once fairly dispersed population at Gatcombe probably retreated behind this defensive wall. Coin evidence shows that the settlement was occupied throughout the Roman period.

The site appears to have been completely abandoned by the C8. Abandonment may have coincided with the onset of bubonic plague in Britain (540-560 AD), which was the period that nearby Cadbury-Congresbury hillfort was re-occupied. To the north-east, a Romano-British field system possibly associated with Gatcombe is scheduled separately with a deserted medieval settlement (SM 22849).

The Roman site was first identified during the excavation of a railway cutting in 1838-39. The stone foundations of buildings, as well as burials within oak coffins and Roman coins, were discovered. Partial excavations have subsequently been conducted at the site by the Clevedon Archaeological Society (1954), Professor B Cunliffe (1965) and Professor K Brannigan (1967-76). The excavations have revealed evidence that the site had several phases of development. At this time it was thought that Gatcombe was a villa site, despite substantial buildings from the Roman period having been located outside the walled area. One of these buildings, at Cambridge Batch, had been excavated in the late C19 and a mosaic pavement of the C3 AD was removed. Later studies have reinterpreted Gatcombe as a Roman small town with associated field systems. Further geophysical surveys were carried out in 2006 and 2009/10, which established that there had been a dense population within the settlement walls as well as significant numbers of extramural buildings. It has also been suggested that the settlement may be a rural estate centre.

The investigations carried out in 2012/3 to the east of Gatcombe Farm confirmed that the land had been divided into fields or enclosures by the first or second century AD, with pit-like anomalies containing industrial waste (probably from metal working) that is most likely associated with these enclosures.

Details

PRINCIPAL ELEMENTS The monument includes a Roman settlement, an associated irregular aggregate field system and earlier Iron Age settlement remains, situated on a south facing slope overlooking the Land Yeo river valley. It is located on the only land-bridge between Broadfield Down to the south and Failand Ridge to the north.

DETAILS

The settlement, commonly known as the Gatcombe Roman site, is now partially overlain by houses and farm buildings, although there are also extensive areas of well-preserved earthworks.

The earliest features include post holes representing structures dating to the pre-Roman Iron Age. These have been interpreted as the remains of several phases of farmsteads. A C4 wall up to 5m thick was constructed, enclosing an area of c.7ha. This wall is composed of good quality lias limestone masonry on the inner and outer faces, with an inner filling of carboniferous limestone or marl. The width of the wall foundations suggest an original height of 3m-4m, a size which is unusual for this type of Roman site.

At least 19 building foundations have been identified within the enclosed area. All are dry-stone founded and all are small in plan. The buildings have a random distribution within the enclosure and there is no trace of a street plan. Other Roman materials include Bath freestone copings and finials, stone roof slates, and flagstone and cobble floors. Furthermore, two burials and Chi-Rho graffiti on a potsherd indicate a Christian presence in the Romano-British Community at Gatcombe. *Triticum Aestivum* (bread wheat grains) found within one building were not introduced to Britain in the late fourth century, further confirming the later occupation of the site. A number of buildings, dating to the Roman period, are known to be situated outside of the walled area to the west and south.

The irregular aggregate field system occupies the area to the north and east of the settlement. The field system is defined by a series of linear banks and lynchets which survive between c.0.5m-0.75m in height and 1m-2m in width. These are orientated along the slope of the hill and divide the area up into a series of rectilinear plots. Holloways lead from the north-west of the walled settlement and to the east of Gatcombe Farm.

Coin and pottery finds are numerous (approximately 20,000 pottery sherds) and confirm the site as being commercial with very wide trade links. Stone finds include numerous small decorative and industrial artefacts, querns and mortars, and architectural materials. Other recovered artefacts are of clay, glass, iron and bone/ horn mainly relating to domestic occupancy, Metallurgical remains from a number of buildings relate to industrial working. Waste materials expected for a settlement of this date, includes animal bone fragments are also in evidence. The two adult burials uncovered on the site may be of C5 or C6 date.

EXCLUSIONS Excluded from the scheduling are all fence posts and gates relating to the modern field boundaries, although the underlying ground is included. Also excluded are Gatcombe Cottage, the house, outbuildings and tennis court at Gatcombe Court, the farmhouse and buildings at Gatcombe Farm and the metalled surface of the lane, although the underlying ground is included in each case.

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 22848

Legacy System: RSM

Sources

Books and journals

Branigan, K, Gatcombe Roman Villa, (1977)

Barry Cunliffe, , 'Proceedings of the University of Bristol Spelaeological Society' in Excavations at Gatcombe, Somerset in 1965 and 1966, (1967)

Keith Branigan, , 'Current Archaeology' in Gatcombe, (1971)

Robert Smisson, , Phredd Groves, , 'Britannia' in Gatcombe Roman Settlement - A Reappraisal, (2014)

TWJ Solley, , 'Somerset Archaeological & Natural History Society' in Excavations at Gatcombe, Somerset, 1954, (1967)

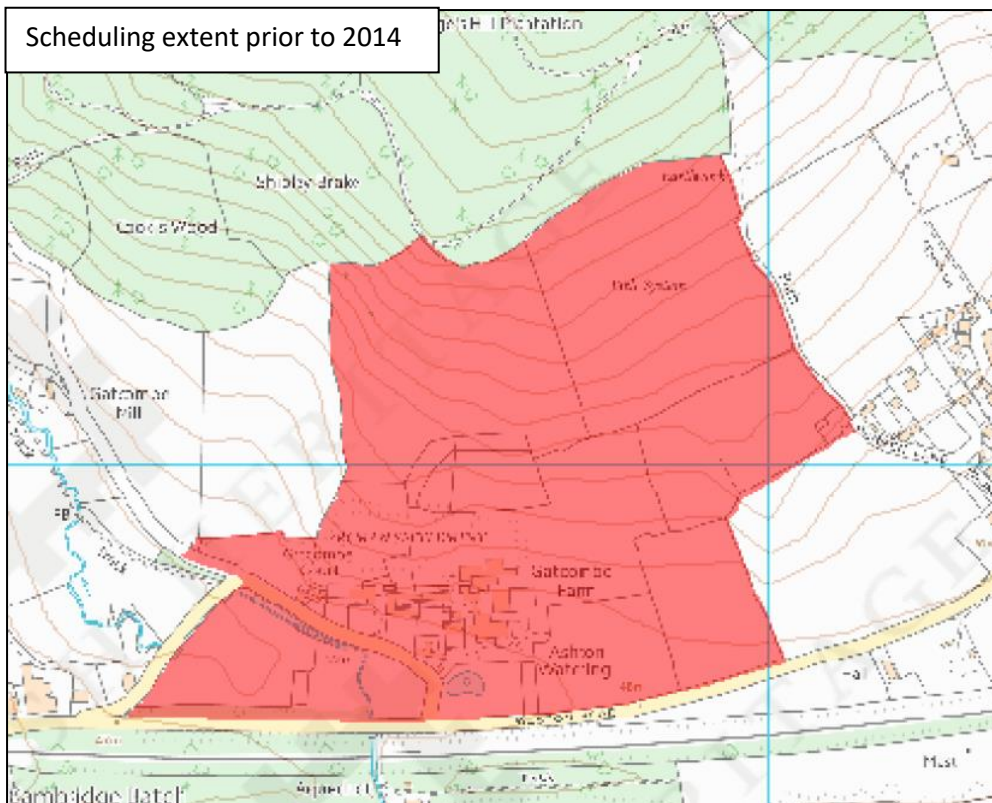
Other

David Sabin and Kerry Donaldson, Land at Gatcombe Farm, Long Ashton, September 2012,

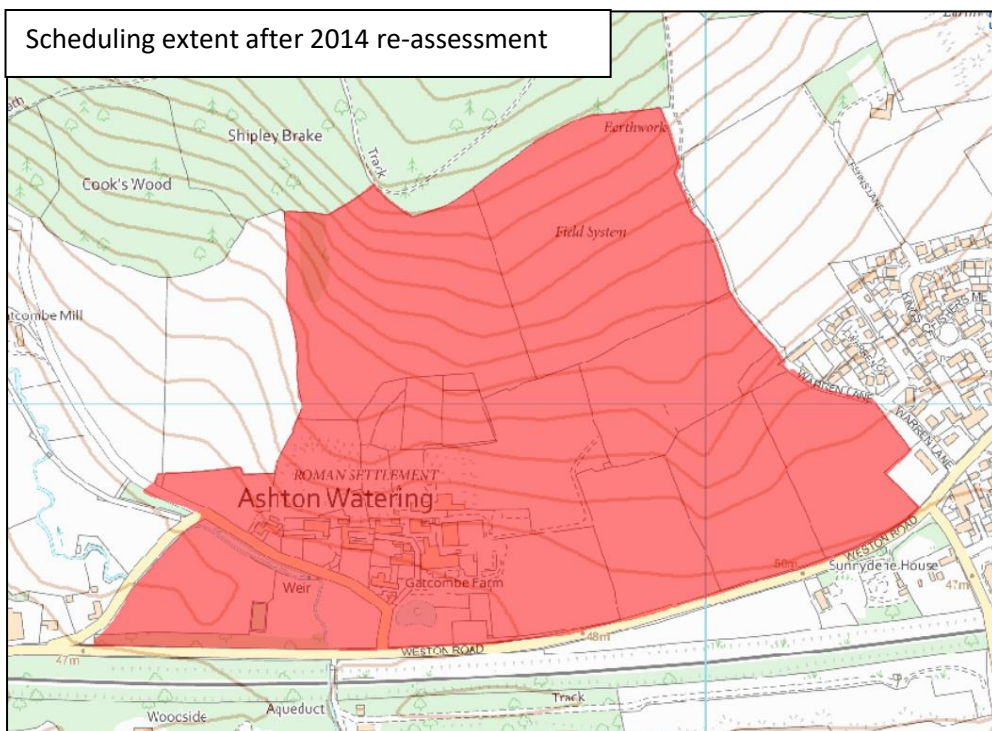
Legal

This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it appears to the Secretary of State to be of national importance. This entry is a copy, the original is held by the Department for Digital, Culture, Media and Sport.

Scheduling extent prior to 2014



Scheduling extent after 2014 re-assessment



Appendix 2 - Mapping, LiDAR & photographs

Historic mapping

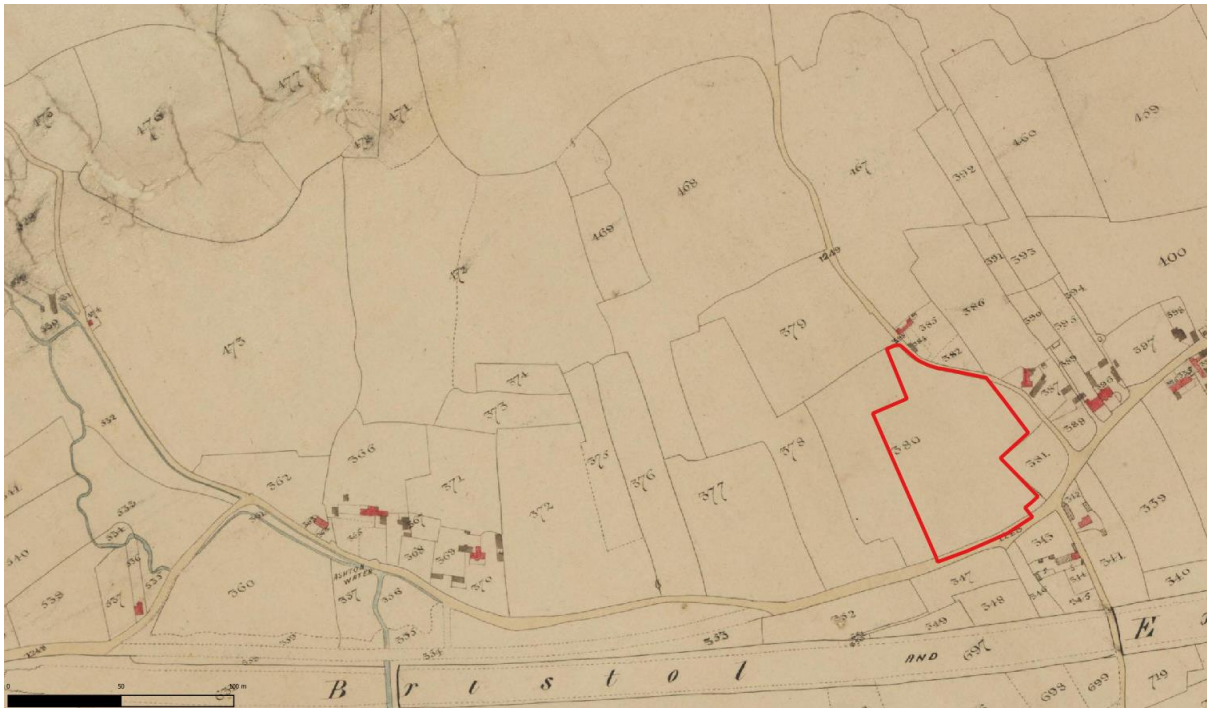


Figure 1: 1842 tithe map Long Ashton tithe map (Appeal Site in red)

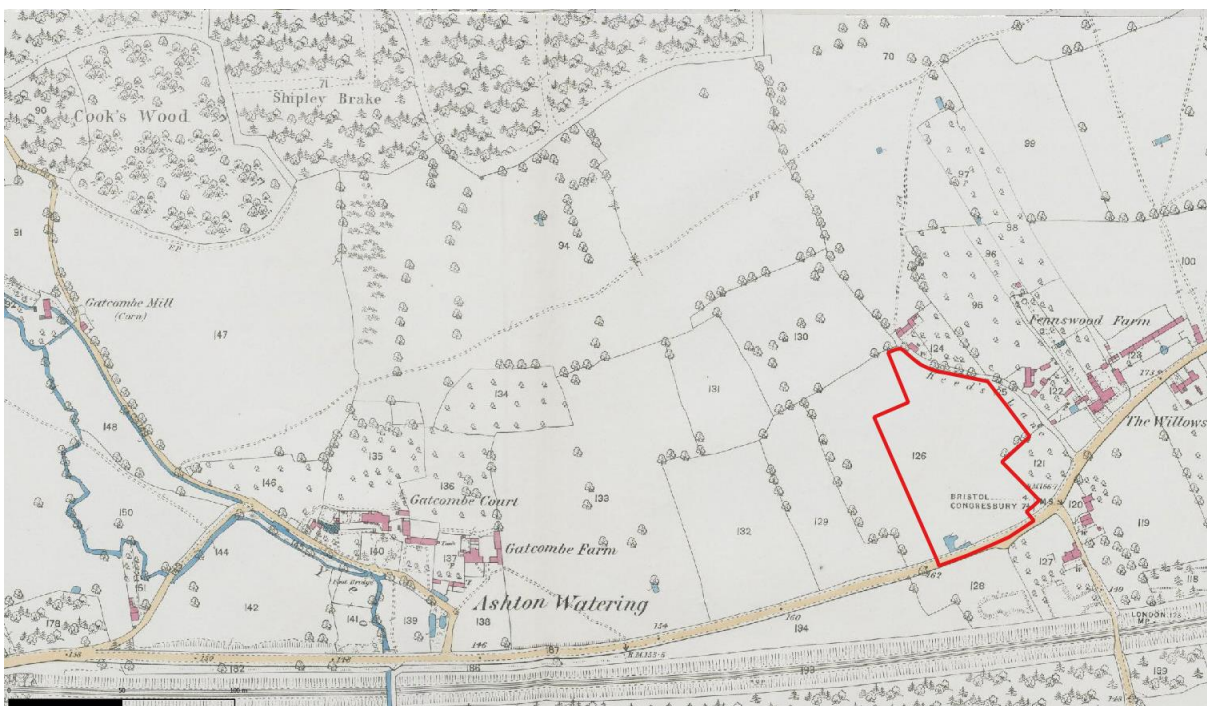


Figure 2: 1884 Ordnance Survey First Edition (Appeal Site in red)

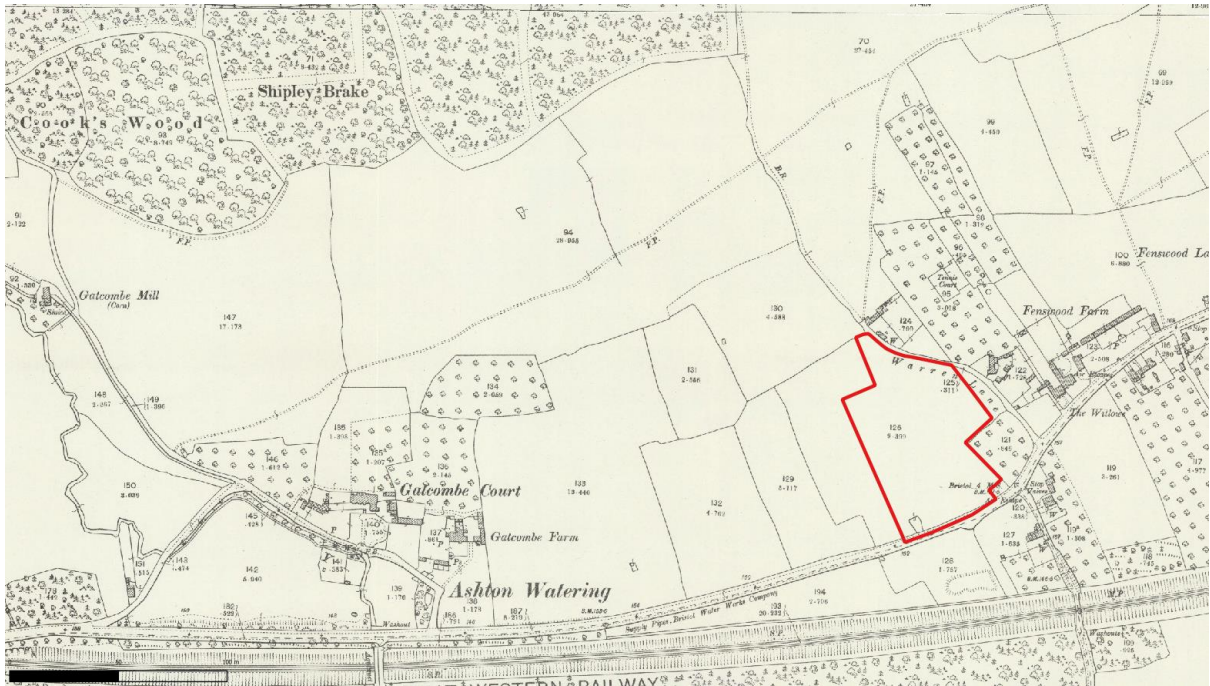


Figure 3: 1903 Ordnance Survey Second Edition (Appeal Site in red)

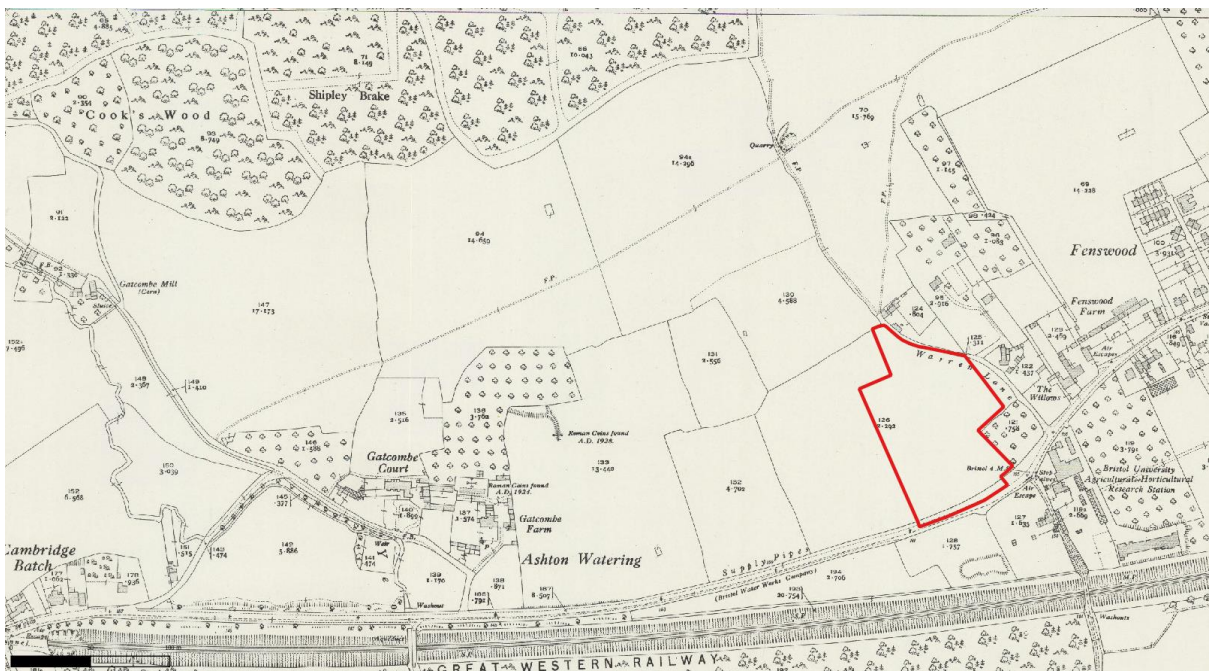


Figure 4: 1931 Ordnance Survey Third Edition (Appeal Site in red)

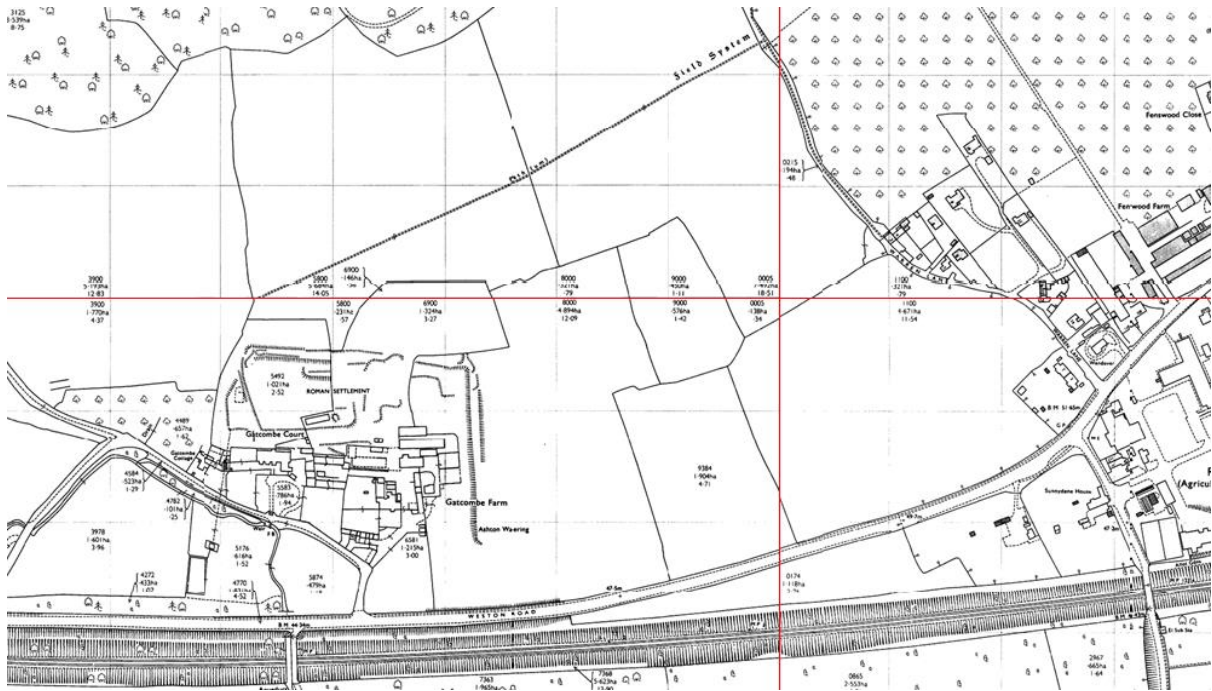


Figure 5: 1977-1978 National Grid Epoch 5 (1948-1981)

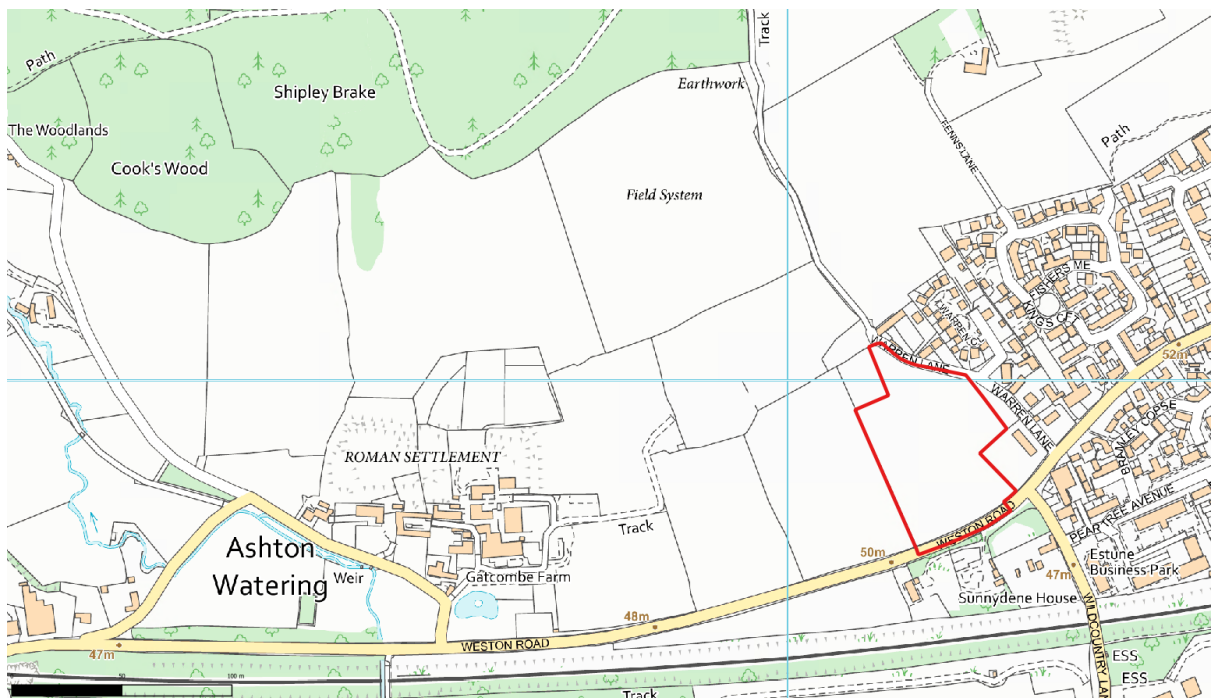


Figure 6: Modern Ordnance Survey mapping (Appeal Site in red)

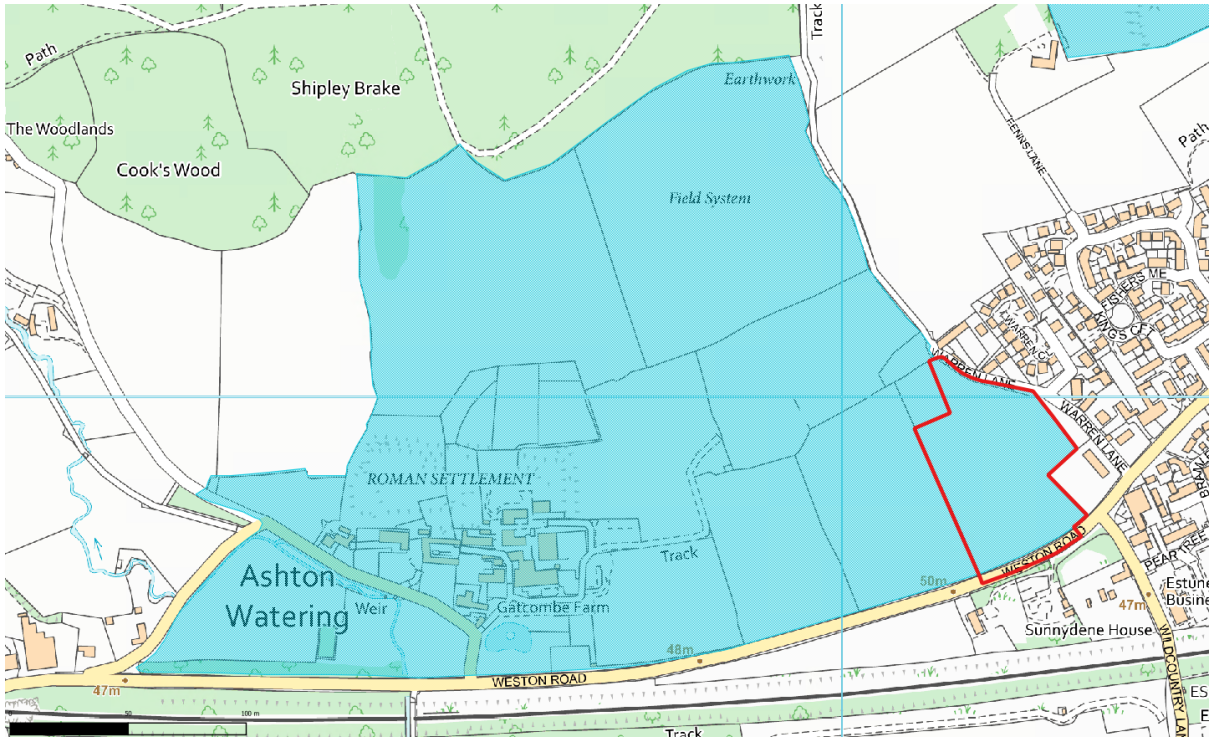


Figure 7: Extract from North Somerset Historic Environment Record showing the Scheduled Monument extent (blue) and Appeal Site (red)

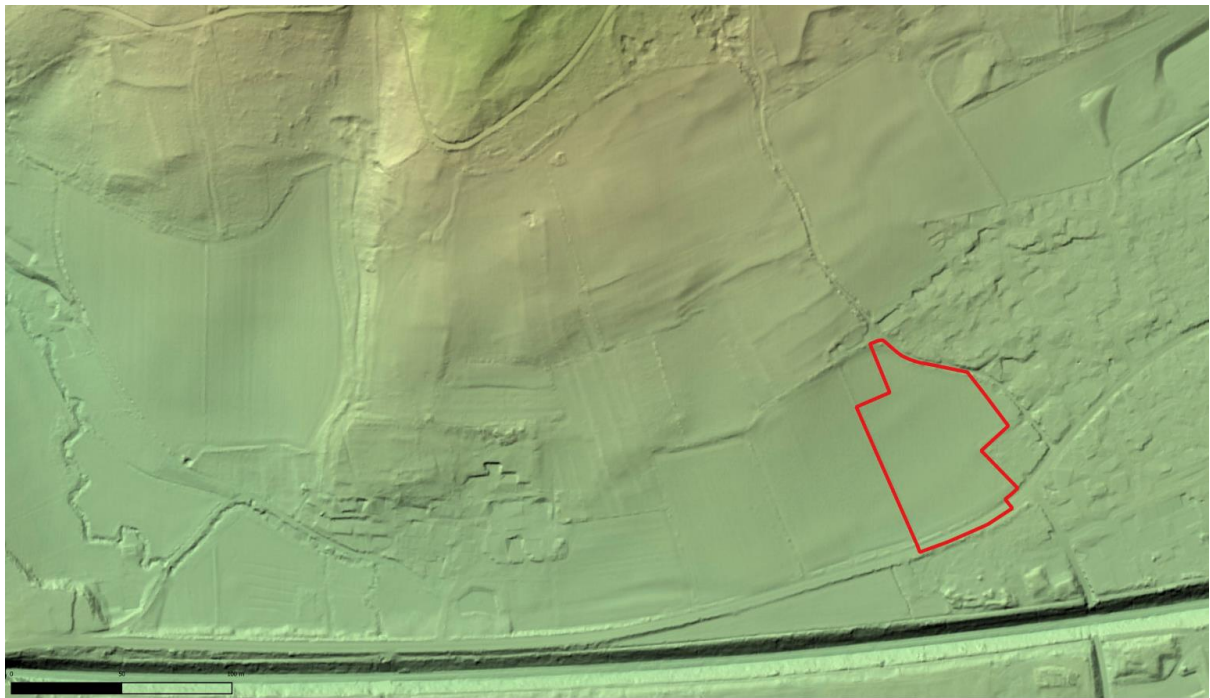


Figure 8: LiDAR 1m resolution (Environment Agency, 2018)

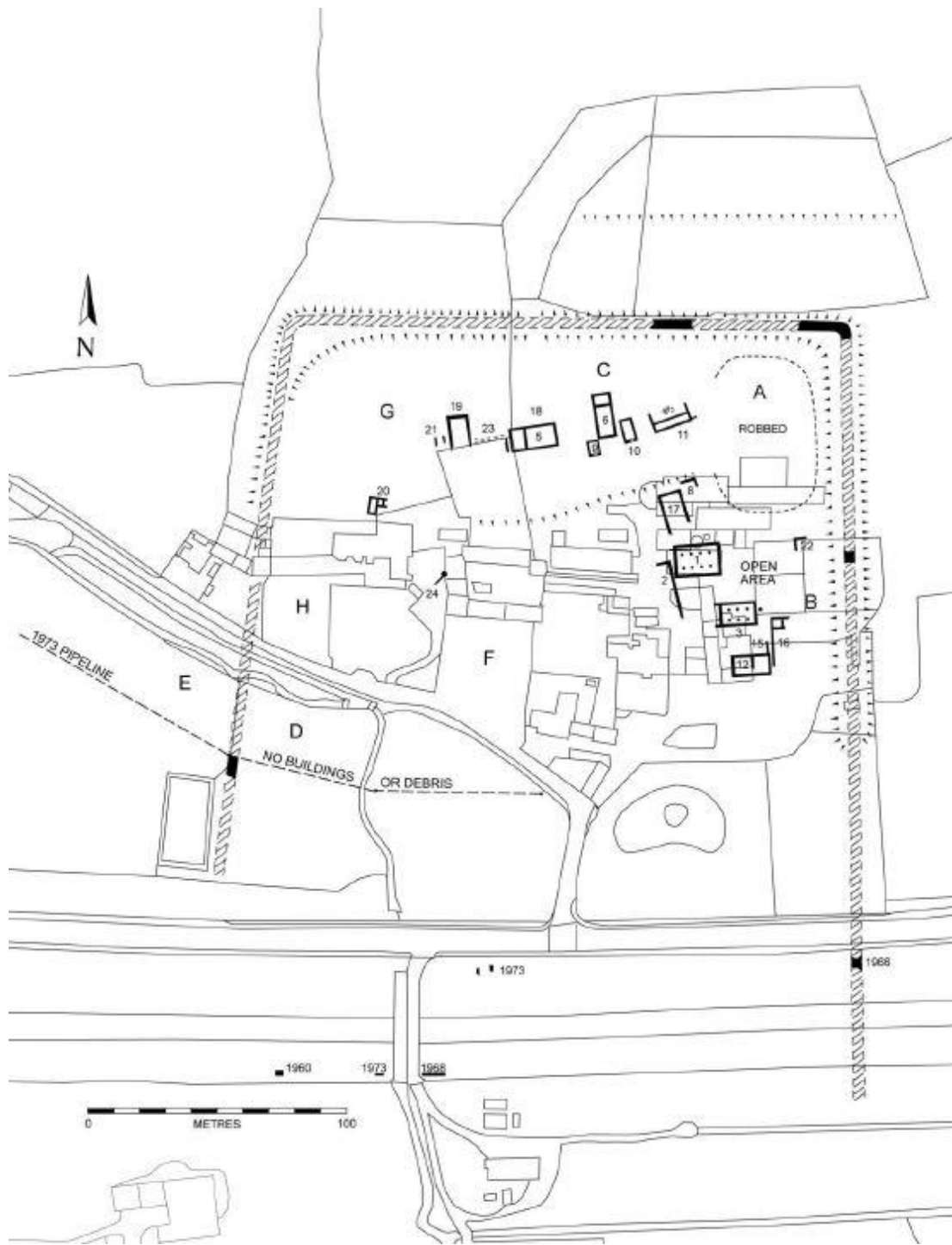


Figure 9: Plan of Gatcombe Roman site (extract from Branigan, 1976)

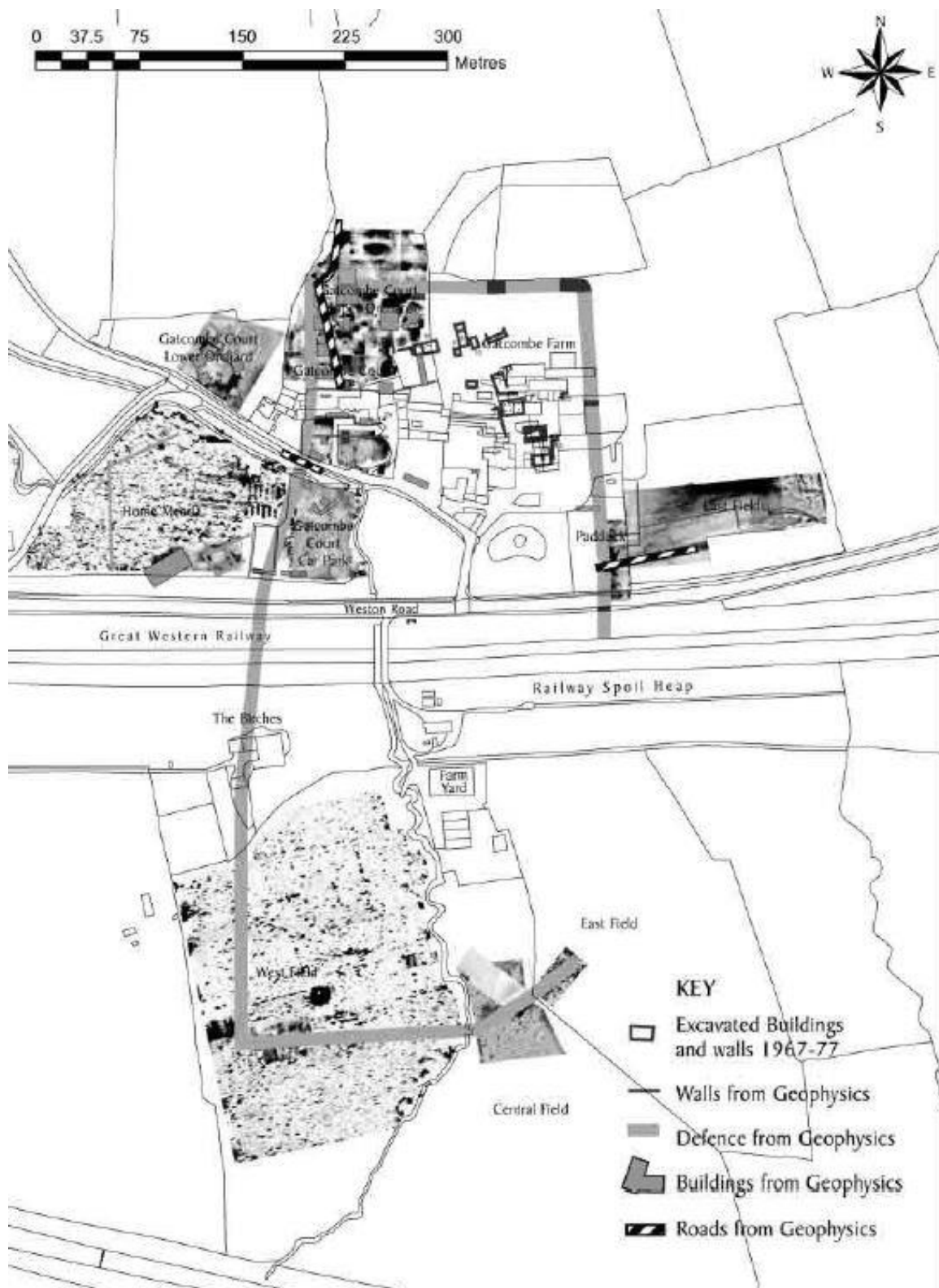


Figure 10: Plan of Gatcombe Roman site with results of various geophysical surveys overlain (Smisson & Groves, 2011)

Aerial photographs



Figure 11: 1940s aerial photograph of Gatcombe Roman site



Figure 12: 2014 aerial photograph of Gatcombe Roman site

Site visit photos



Figure 13: View of Appeal Site (ploughed field) looking west along Weston Road towards Long Ashton



Figure 14: View of appeal site looking north-east from Weston Road



Figure 15: View of Appeal Site looking north from Weston Road



Figure 16: View of Appeal Site looking north-west from Weston Road



Figure 17: View from south-east corner of Appeal Site across the Scheduled Monument



Figure 18: View of Appeal Site looking south from Warren Lane



Figure 19: View south-east towards the Appeal Site (ploughed field) from the Public Right of Way across the Scheduled Monument



Figure 20: View south-east towards the Appeal Site from the Public Right of Way across the Scheduled Monument



Figure 21: View north from Public Right of Way with lynchet earthworks visible



Figure 22: View south across the walled settlement from the Public Right of Way



Figure 23: View east towards the Appeal Site from Gatcombe Farm Shop (within the walled settlement)

Appendix 3 - Relevant Planning Permissions and Scheduled Monument Consent Applications

The following table lists all planning applications granted within the Scheduled Monument. Scheduled Monument Consent (SMC) references have been provided where it has been granted.

Planning Reference(s)	Scheduled Monument Consent References	Description of application	Additional information	Decision	Date
22/P/0436/FUL and 22/P/0437/LBC	S00242642 (granted 20/07/2022)	Conversion of agricultural building 10 to create 1no. three-bedroom residential dwelling	Conditions placed on permission for applicant to apply for SMC and to undertake watching brief during all associated groundworks	Approved	20/10/22
21/P/1843/FUL	S00242213 (granted 07/02/2022)	Unit 1, Turkey Barn Demolition of 1no. outbuilding and conversion of an existing barn structure within the curtilage of the Grade II Listed farmhouse (Gatcombe Farmhouse) to 1no. dwelling	Conditions placed on permission for applicant to apply for SMC and to undertake watching brief during all associated groundworks	Approved	31/01/22
21/P/0072/FUL and 21/P/0073/LBC	S00240687 (granted 15/01/2021)	Conversion of agricultural building (Unit 9) to create 1no. four bedroom dwelling	Conditions placed on permission for applicant to apply for SMC and to undertake watching brief during all associated groundworks	Approved	17/09/21
21/P/2789/LBC	S00241843 (granted 11/10/2021)	Conversion and part demolition of agricultural building (Unit 7) to create 1no. three bedroom residential dwelling	(see also 20/P/2556/FUL and 20/P/2557/LBC)	Approved	21/01/22

20/P/2589/FUL and 20/P/2590/LBC	S00241357 (granted 17/09/2021)	Conversion and partial demolition of agricultural buildings (Units 4 & 5) to create a new detached dwelling	Conditions placed on permission for applicant to apply for SMC and to undertake watching brief during all associated groundworks	Approved	01/04/21
20/P/2556/FUL and 20/P/2557/LBC	S00241843 (granted 11/10/2021)	Conversion and part demolition of agricultural building (Unit 7) to create 1no. three bedroom residential dwelling	Conditions placed on permission for applicant to apply for SMC and to undertake watching brief during all associated groundworks	Approved	25/01/21
20/P/0718/FUL and 20/P/0719/LBC	S00240610 (granted 18/12/2020)	Conversion of agricultural building (Unit 6), including associated demolition, to create 1 No. detached dwelling	Conditions placed on permission for applicant to apply for SMC and to undertake watching brief during all associated groundworks	Approved	11/09/20
19/P/1743/FUL	S00240173 (for pre-determination evaluation) SMC has not yet been applied for by the applicant for the erection of the building	The erection of a general purpose agricultural building on Land to the east of Gatcombe Farm, Weston Road, Long Ashton	Permission was granted on this the barn would support the agricultural land use as pasture, which is beneficial to the Scheduled Monument (taking it out of plough)	Approved	30/10/20
18/P/4061/FUL and 18/P/4153/LBC	S00222810 (granted 02/09/2019)	Conversion and part demolition of agricultural buildings (Units 1, 6, 7, 9 and 10) to create 5no. dwellings	Conditions placed on permission for applicant to apply for SMC and to undertake watching brief during all associated groundworks	Approve (with conditions)	10/05/19
18/P/2094/FUL		Change of use to an inflatable theme park for a temporary period each May to June of not more than 23 days in total (to include set up and site	SMC required (archaeological exclusion zone implemented)	Approve	25/04/18

		clearance). The site to be cleared not more than 9 days after the Spring Bank Holiday in late May			
17/P/2550/F and 17/P/2449/LB	-	Conversion of agricultural buildings (units 1, 6, 7, 9 & 10) to residential buildings (Approval of 16/P/1204/with amended access)	See 18/P/4061/FUL and 18/P/4153/LBC	Approve with conditions	06/11/17
16/P/1204/F and 16/P/1208/LB	-	Conversion and part demolition of agricultural buildings (Units 1, 6, 7, 9 and 10) to create 5no. dwellings	See 18/P/4061/FUL and 18/P/4153/LBC	Approve with conditions	18/11/16
05/P/0692/LB and 05/P/0413/F	Unknown, but delegated report stated SMC had been approved by English Heritage	Erection of extension to farm shop to create a tea room.	Condition for programme of archaeological investigation and recording	Approve with conditions	21/06/06

Appendix 4 - Heritage Legislation and Planning Policy

Legislation

Ancient Monuments and Archaeological Areas Act 1979

Local Planning Policy

With regard to Local Planning Policy, RfR 2 refers to Policy CS5 of the North Somerset Core Strategy and Policy DM6 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies).

Policy CS5 (Landscape and the historic environment) of the Core Strategy states:

'The Council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as conservation areas, listed buildings, buildings of local significance, scheduled monuments, other archaeological sites, registered and other historic parks and gardens.

Particular attention will be given to aspects of the historic environment which contribute to the special character of North Somerset, such as the Victorian townscapes and seafronts in Weston and Clevedon.'

3.58 Archaeological remains are important for their historical and educational interest and may also be important features in the landscape. The Historic Environment Record (HER) contains details of all known sites, structures, landscapes or other areas of archaeological interest in North Somerset. They include Scheduled Monuments such as Worlebury Camp, a large hillfort on Worlebury Hill.

How and where the policy will be delivered

3.87 The policy will apply across the whole of North Somerset in order to respect the quality and character of the landscape, and the historic environment.

3.88 Much will depend on careful development management to ensure sensitive design and location of development to protect, enhance and respect the landscape and historic environment. This will require formulation and implementation of detailed development management policies, to be included in the Site and Development Plan Document.

3.89 *Effective delivery will require close liaison with landscape, conservation and archaeology experts and consultation with bodies such as English Heritage [now Historic England] and the Mendip Hills AONB Unit.*

Policy DM6: Archaeology

Archaeological interests will be fully taken into account when determining planning applications.

Where an initial assessment indicates that the development site includes or has the potential to include heritage assets with archaeological interests, the council will seek an archaeological assessment and field evaluation. This is to establish the extent and importance of the remains and the potential harm of the proposals to their significance before the planning application is determined. An initial field evaluation as opposed to a desk-based assessment will only be required where necessary.

It is nearly always preferable that archaeological remains are preserved 'in situ' as even archaeological excavation means the total destruction of evidence, apart from removable artefacts. In some cases, applicants will be required to modify their proposal to take account of the archaeological remains, for example by using foundations which avoid disturbing the remains or by the careful siting of landscaped or open areas.

In cases where the council decides that it is not necessary to preserve remains 'in situ', developers will be required to make appropriate and satisfactory provision for the excavation and recording of the remains before development commences. Planning conditions will be attached to the grant of planning permission requiring an approved programme of archaeological work to be undertaken before development commences, which may include the submission of geotechnical information. Alternatively, legal agreements may be sought with developers, before permission is granted, to excavate and record the remains and to publish the results.

Where archaeological assets are considered to be at risk, the council will seek to secure their protection to prevent continued deterioration.

National Planning Policy Framework (July 2021)

195. Local planning authorities should 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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶⁸.

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁹. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

NPPF Footnotes

68. Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

69. Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

National Planning Policy Guidance (NPPG)

The Department for Levelling Up, Housing and Communities (formerly the Department for Communities and Local Government) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

The PPG has a discrete section on the subject of the Historic Environment, which was last updated in July 2019.

The section confirms that the consideration of ‘significance’ in decision taking is important and states:

‘Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding potential impact and acceptability of development proposals.’

(Paragraph: 007 Reference ID 18a-007-20190723)

Regarding the definition of conservation and enhancement of the historic environment, PPG states:

‘Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our

past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- *capture and record the evidence of the asset's significance which is to be lost*
- *interpret its contribution to the understanding of our past; and*
- *make that publicly available'*

(Paragraph 002: Reference ID: 18a-002-20190723_

NPPG highlights the importance of assessing the significance of heritage assets and the potential impacts on any heritage assets through direct physical change or through a change to their setting:

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- *archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*
- *architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.*
- *historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their*

collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms ‘special architectural or historic interest’ of a listed building and the ‘national importance’ of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset’s significance.

(Paragraph: 006 Reference ID: 18a-006-20190723)

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.

Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

(Paragraph: 008 Reference ID: 18a-008-20190723)

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

(Paragraph: 013 Reference ID: 18a-013-20190723)

Finally, with regard to harm and weighing up any harm against public benefit, NPPG states:

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation*

(Paragraph: 020 Reference ID: 18a-020-20190723)