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## Appeal Decision

Site visit made on 18 December 2024

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

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**Appeal Ref: APP/V2635/W/24/3351873**

**Alfred G Pearce, Castle Road, Wormegay, Norfolk PE33 0SG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by A G Pearce Limited against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref is 22/02086/FM.
  - The development proposed is described as “the installation of a solar farm”.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect on the setting of the neighbouring Scheduled Monument known as the ‘Motte and Bailey Castle in Wormegay Village’ (List Entry Number: 1018651) and its significance; and
  - the effect on the living conditions of the occupiers of neighbouring properties.

### Reasons

#### Heritage

3. The appeal site is a broadly rectangular, flat grassed field located just beyond the built up form of Wormegay village. It is open to the servicing yard of the adjoining vegetable processing plant on one side and agricultural land on the other. The remaining 2 sides are enclosed by low fencing and some interspersed vegetation. A Scheduled Monument, known as ‘The Motte and Bailey Castle in Wormegay Village’ (the Castle), sits immediately beyond the northern boundary, between the appeal site and the village.
4. The proposed solar arrays would be grouped in 5 blocks of between 7 and 13 rows. These have been estimated as being capable of generating 725 kilo watts of clean energy for the vegetable processing plant. They would be orientated so that their planes would face southwards, away from the Castle.
5. The Scheduled Monument includes the remains of a motte and bailey castle, situated on the western side of what was once an island in the peat fen to the south of the River Nar. It controlled the causeway between the island and the higher ground to the west of the fen. Dating back to medieval times, the Monument is now a mainly grassed area comprising the remains of a fortification introduced

into Britain by the Normans. The motte is visible as a large, sub-circular earthen mound surrounded on the north, west and south sides by a ditch which remains open. On top of the mound is a slightly uneven platform on which would have stood a tower. The bailey adjoins the motte on the eastern side and takes the form of an enclosure raised about one metre above the external ground level and bounded by a semicircular ditch which runs outward from the motte ditch.

6. The southern parts of the motte and bailey and their associated ditches run east to west immediately along a significant length of the northern boundary of the appeal site. As such, the appeal site essentially sits at the very foot of the Castle but outside the scheduled area. However, as the appeal site falls within the immediately surrounding landscape in which the Castle is experienced, it forms part of its immediate setting.
7. The setting of the Castle forms part of the Saddlebow and Wormegay Open Island Marches Local Character Area which is characterised by its large scale, open vistas and strong geometric field patterns. The appeal site contributes positively to that historic landscape setting.
8. The Castle is identified as a good example of this class of monument. The submitted evidence confirms that the earthworks of both the motte and the bailey survive well. Moreover, they and the buried remains of the tower on the motte and of the buildings within the bailey, will contain archaeological information concerning the date of construction and the manner of the subsequent organisation and use of the Castle.
9. As a Scheduled Monument, the Castle is of national importance as it provides important information about activity in Norman Britain and the development of the feudal system. The importance of the Castle as an administrative centre of a barony associated with families prominent in the medieval history of England gives this monument additional interest.
10. The significance of the Castle is therefore predominantly archaeological and historic, being mainly derived from its evidential, historical and cultural values.
11. The setting of the Castle has undergone change over time as this important asset and its surroundings have evolved. Despite the growth of the neighbouring village and construction of the associated vegetable processing plant, the historic undeveloped rural landscape setting prevails. This continues to make a positive contribution to understanding, appreciating and experiencing the historic and cultural significance of this important designated heritage asset, including the rationale for its chosen strategic, defensible location.
12. The Development Management Guidelines for the area include conserving the rural character, open views and tranquillity. Amongst other things, such an approach is consistent with ensuring that this setting endures through safeguarding its open nature.
13. Although the appeal site is relatively low lying, both it and the Castle are visible from surrounding public and private vantage points from short and medium distances. By virtue of its immediate proximity at the foot of the Castle the appeal proposal would be clearly visible from the Monument itself. In addition, from my site observations and the submitted viewpoints, I have assessed there would also

be other notable direct intervisibility between the Castle and the appeal proposal, particularly from southerly points.

14. The proposed structures are a series of low-lying solar panels, set on posts with a plane of about 30 degrees rising from about 0.5 metres to 2.3 metres in height above ground level. Grassland would otherwise remain on the surface of the ground with no hardstanding elsewhere covering the land. An underground connection would run between the panels and the vegetable processing plant.
15. In terms of both short and medium inward views and short distance outward views from the monument itself, the extent of the proposed solar arrays would be read as a series of engineered structures over a significant area which is situated directly in front of the Castle.
16. The Castle itself would continue to be experienced and appreciated as an important historic and cultural feature. Nonetheless, the proposal would cause a significant change to the character and use across the appeal site. The appeal scheme would cause a reduction in the open, undeveloped component of the immediate setting of the Castle by virtue of the number, proximity, regularity of rhythm, modern engineered form, colouring and reflective characteristics of the proposed arrays.
17. This proposed change would significantly erode the surviving open, undeveloped rural setting of this aspect of the Scheduled Monument by further enclosing the Castle. This would curtail and distract the extent to which the Castle can be enjoyed within an open, verdant setting. Such a change would cause serious harm to that currently unfettered setting. Any repositioning or introduction of any further planting to screen the arrays would not mitigate that harm.
18. Overall, the appeal proposal would not preserve the remaining open nature of the immediate setting of the Castle. In doing so, it would weaken the integrity and extent of this remaining undeveloped setting for a considerable period of time. In turn, there would be a significant reduction in the contribution which the open nature of the appeal site currently makes to the authenticity of how the remaining emotive and evocative links to the past are experienced. It would also impinge on the appreciation and understanding of the rationale for the location of the Castle; a strategic defensible decision which is reflective of the social organisation amongst medieval communities. This would reduce the ability to appreciate the significance of the Castle.
19. By virtue of its positioning outside of the scheduled area, the appeal proposal would not directly affect the underground or above ground archaeological interests within the Monument itself. However, there is a potential for disturbance to buried archaeology that is associated with the Castle. An understanding of the significance of any heritage asset is the starting point for determining any mitigation. From the evidence before me, I cannot be sufficiently assured of the specific nature or significance of the potential buried archaeological remains associated with the Castle. The imposition of a planning condition would not provide adequate mitigation for the safeguarding of these given the affected land is in close proximity to the Scheduled Monument which enjoys the highest level of protection.
20. Overall, the appeal proposal would not preserve the setting of 'the Motte and Bailey Castle in Wormegay Village' Scheduled Monument but would harm it. In

doing so, in heritage terms, the appeal proposal would harm the aesthetic, evidential and historical values of the Monument and its nationally important archaeological, cultural and historic significance.

21. The anticipated life span of the appeal proposal, whilst not permanent, is nonetheless significant in duration, being equivalent to a generation of change. It is uncertain whether the continued use of the appeal site for energy generation would be required thereafter. I attach moderate favourable weight to its time limited nature.
22. In the context of the National Planning Policy Framework (December 2024) (the Framework), the identified harm to the significance of the Castle is less than substantial in view of its nature, degree and duration. However, from my site observations and appreciation of the high significance of the nationally important designated heritage asset, I find that the proposed change to the immediate setting would have a greater adverse effect on the significance of the Castle than the appellants' evidence purports.
23. In line with the Framework, in assessing the impact of the proposed development on the significance of this designated heritage asset, I give great weight to the conservation of the Castle as a nationally important Scheduled Monument of the highest significance. In doing so, I attribute considerable importance and weight to the identified less than substantial heritage harm that would arise.
24. The Framework recognises that the significance of heritage assets can be harmed or lost through development within their setting and that any such harm should have a clear and convincing justification. The Framework also requires that the less than substantial harm to the Castle is weighed against the public benefits of the proposal. In doing so, great weight should be given to the conservation of the asset irrespective of whether any potential harm amounts to less than substantial harm to its significance.
25. In terms of public benefits, it is estimated that the appeal proposal would enable the existing vegetable processing plant to generate around 59% of its energy needs and so reduce its reliance on non-renewable energy sources. According to the evidence, this should positively contribute to reducing carbon emissions by around 3,403 tonnes per year and managing climate change.
26. The need for renewable energy provision is reinforced within National Policy Statements (NPS) EN-1 and EN-313. Although having effect for decisions on energy developments that are nationally significant under the Planning Act 2008, they are a material to my assessment of this scheme. Solar is identified as a key part of the Government's strategy for low-cost decarbonisation of the energy sector and has an important role in delivering greater energy independence goals. Solar is described as one of the lowest cost way of generating electricity available. In the context of the Climate Change Act (2008) and NPSs it is clear to me that there is an urgent need for renewable energy electricity projects to be brought forward in the strategic quest for clean energy sources.
27. Within this context, paragraph 161 of the Framework supports the transition to a low carbon future, including renewable and low carbon energy infrastructure. At paragraph 167 it also states that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings, including through installation of solar panels, thus giving recognition that

even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions. The Planning Practice Guidance (PPG) similarly identifies that planning for renewable energy is important, as increasing the amount of energy generated from renewable and low carbon sources will help to secure the national energy supply and contribute to mitigating climate change.

28. Although the appeal proposal does not fall within the threshold of a major renewable energy scheme, it would still contribute towards the national policy agenda to achieve carbon net zero by 2050. The appeal scheme would also reduce operational costs and provide energy security which would assist in securing business viability. In turn, the appeal proposal would be beneficial to the security of both national food supplies and local jobs. Further economic benefits would arise temporarily during the construction phase. In line with paragraph 168 (a) of the Framework, each of these benefits carry significant favourable weight.
29. However, in weighing the heritage harm to this designated heritage asset of the highest order of significance against all of these public benefits, that harm to its significance would not be outweighed. Consequently, the appeal proposal does not accord with the national approach to the historic environment. As there is a strong reason for doing so, the provisions of the Framework direct the refusal of the appeal proposal.
30. In overall conclusion to this main issue, the appeal proposal would not preserve the setting of the Motte and Bailey Castle in Wormegay Village and would cause unjustified less than substantial harm to its significance.
31. Policy DM15 of the Borough Council of King's Lynn and West Norfolk Site Allocation and Development Management Policies Plan (2016) (the SADMP) states that development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Relevant factors are listed as including heritage impact. Policy CS08 of the Local Development Framework Core Strategy (2011) (the Core Strategy) states that all new development will be required to demonstrate its ability to protect and enhance the historic environment amongst other things. In view of the identified harm, the appeal scheme conflicts with both of these policies.

#### Living Conditions

32. The appeal site is located just beyond the developed edge of the village. The raised topography of the Monument obscures the site from the majority of nearby dwellings. That would endure given the low level of the proposed arrays. However, the rear elevations and gardens of several existing dwellings bounding the appellant's landholding do not enjoy that degree of natural screening or physical separation distances.
33. Nonetheless, the planning system does not protect individual views. The orientation of the proposed arrays would minimise the potential for any significant glint and glare effects to be imposed on those occupants. Furthermore, no external lighting is proposed. Human activity within the appeal site would be limited to the construction phase and servicing thereafter. Any noise generated from the appeal scheme would be set within the existing background noise baseline, which includes the current activities associated with the vegetable processing plant. I am satisfied that suitably worded planning conditions could be necessarily imposed to appropriately manage all of these matters so that the operation of the appeal

proposal would not reduce the existing living conditions of those residents to an unacceptable level.

34. For these reasons, the appeal proposal would not be harmful to the living conditions of the occupiers of neighbouring dwellings in terms of overbearing, overshadowing, noise, light pollution and visual impact. In view of this, there is no conflict with Policy DM15 of the SADMP in terms of this main issue.

### **Conclusion**

35. In view of my heritage findings, there is a significant conflict with the development plan as a whole.
36. The scale and urgency of the Climate Emergency declared by the UK Government in May 2019, including the impact of climate change on food production, carries significant favourable weight alongside the other associated benefits of the scheme which I have identified. However, collectively all of the matters weighing in favour of this particular appeal scheme do not outweigh this conflict with the development plan.
37. For this reason, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

*C Dillon*

INSPECTOR