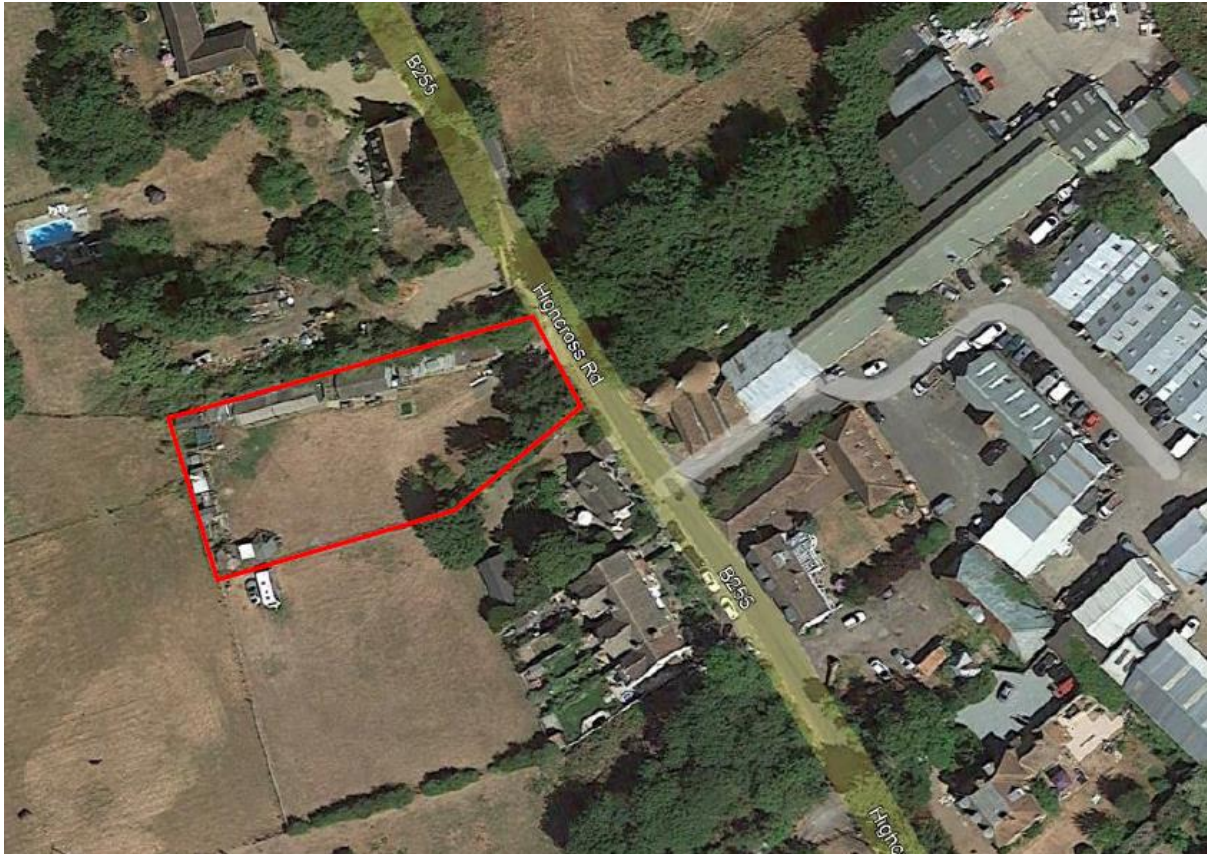

OUR REF: 3971.SC

HERITAGE STATEMENT

Harlands Highcross Road Southfleet DA13 9PH



October 2023

1.0 INTRODUCTION

- 1.1 This statement is prepared in support of an application to partially redevelop the existing site, retaining the stables and small workshop and the erection of a new single-storey dwelling and garage following demolition of a range of existing buildings certified as lawful through a CLEUD application DA/22/0069/LDC granted on 25 August 2022 and an existing barn/store.
- 1.2 This statement is intended to provide an overview of the relevant heritage planning policy framework and explain whether the development will adversely affect the heritage assets that are identified as being within the locality.

2.0 SITE CONTEXT

- 2.1 This is set out in the accompanying Planning, Design and Access Statement.

3.0 PROPOSED DEVELOPMENT

- 3.1 This is set out in the accompanying Planning, Design and Access Statement.

4.0 PLANNING POLICY FRAMEWORK

- 4.1 This section of this statement sets out the legislation and planning policy considerations and guidance at both the local and national level, which specifically relate to the application site, with a focus on those policies relating to the protection of the historic environment.

Legislation

- 4.2 Legislation relating to the Built Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
- 4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

- 4.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there

would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”

- 4.5 A Court of Appeal judgment (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134, see below), this is in keeping with the requirements of the 1990 Act.
- 4.6 Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 4.7 In terms of the Development Plan for Dartford Borough Council (DBC), this comprises of the following documents that are relevant to this application:
- Adopted Core Strategy (CS) (2011);
 - Adopted Development Policies Plan (DPP) (2017).
- 4.8 In the DPP, the following heritage related policies are considered relevant:
- DP12: Historic Environment Strategy;
 - DP13: Designated Heritage Assets.

Other Material Considerations

The Framework

- 4.9 Section 16 of the Framework sets out policy guidance in respect to conserving and enhancing the historic environment. In determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 194).
- 4.10 Paragraph 197 of the Framework sets out that in determining applications, LPAs should take into account:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability, and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 4.11 Proposals that preserve elements that make a positive contribution to or better reveal the significance of heritage assets should be treated favourably (paragraph 206).

- 4.12 Paragraph 201 sets out that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 4.13 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 securing its optimum viable use (paragraph 202).
- 4.14 The effect of development on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 203).
- 4.15 LPAs are advised to take a positive approach to decision taking, looking for solutions rather than problems, and should seek to approve applications for sustainable development. LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 38).
- 4.16 In addition to the Framework, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building and conservation area, their setting or any features of special architectural or historic interest which they may possess.

National Planning Practice Guidance (NPPG)

- 4.17 The NPPG elaborates upon the Framework and was initially introduced in 2014. It has been updated to reflect the subsequent updated versions of the Framework. The following sections of NPPG are relevant to this proposal.
- 4.18 NPPG expands on the issue of the conservation of heritage assets. Conservation is an active process of managing change, requiring a flexible and thoughtful approach to get the best out of heritage assets. Part of the public value of heritage assets is the contribution that they can make to our understanding and interpretation of our past. Consequently, where complete or partial loss of an asset is justified, the aim would be

to capture and record the evidence of the significance which is to be lost, to interpret its contribution to the understanding of our past and to make that information publicly available (paragraph ID 18a-002-20190723).

- 4.19 NPPG advises that ‘significance’ (as defined in the glossary of the Framework) is important in decision taking. An assessment must be made in respect of the nature, extent and importance of the significance of the heritage asset, and the contribution of its setting in understanding the potential impact and acceptability of development proposals (paragraph ID 18a-007-20190723). Setting of a heritage asset is defined in the glossary of the Framework as follows: “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 that significance or may be neutral.”
- 4.20 In order to assess the significance of a heritage asset it is important to consider both the heritage asset’s physical presence as well as its setting. Whether a proposal causes substantial harm will be a judgment for the decision taker. Substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting (paragraph ID: 18a-018-20190723).
- 4.21 In order to avoid or minimise the harm to the significance of a heritage asset a clear understanding of that significance and its setting is necessary (paragraph ID: 18a-008-20190723).
- 4.22 As per the Framework in paragraph 196, public benefits should be used to justify the proposal where it is likely to lead to less than substantial harm to the significance of a heritage asset. The NPPG advises that 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 should 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. Public benefits may include heritage benefits, such as: (i) sustaining or enhancing the significance of a heritage asset and the contribution of its setting; (ii) reducing or removing risks to a heritage asset; (iii) securing the optimum viable use of a heritage asset in support of its long term conservation (paragraph ID: 18a-020-20190723).

5.0 METHODOLOGY

- 5.1 In determining applications, paragraph 194 of the Framework requires applicants to describe the significance of any heritage assets affected by development proposals. The level of detail should be proportionate to an assets’ importance and no more than is sufficient to understand the potential impact of any alteration on its significance.
- 5.2 Historic England’s Good Practice Advice in Planning provides information on good practice to assist in implementing historic environment policy in the Framework and the NPPG. The second edition of advice note 3 (‘The Setting of Heritage Assets’) was

published in December 2017. The importance of the setting lies “in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.” Paragraph 9 then sets out a number of considerations that assist in understanding setting and significance. These include:

- (a) Change over time;
- (b) Cumulative change;
- (c) Access and setting;
- (d) Buried assets and setting;
- (e) Designed settings;
- (f) Setting and urban design;
- (g) Setting and economic viability.

5.3 In accordance with the levels of significance articulated in the Framework, four levels of significance are identified:

1. Designated heritage assets of the highest significance, as per paragraph 194(b) of the Framework, 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;
2. Designated heritage assets of less than the highest significance, as identified in paragraph 194(a) of the Framework, which includes grade II listed buildings, or grade II registered parks or gardens;
3. Non-designated heritage assets, as defined within the PPG including “buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.”
4. No heritage significance, covering the sites, buildings or areas that do not fall within any of the other levels.

5.4 In respect of levels of harm, the following may be identified:

1. **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would ‘have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced’, and;
2. **Less than substantial harm.** Harm of a lesser level than that defined above;
3. **No harm or preserve the significance of heritage assets.** A High Court judgment in 2014 concluded that with regard to preserving the setting of a listed building or preserving the character and appearance of a conservation area, ‘preserving’ means doing ‘no harm’, which permits change. What matters is whether that change is neutral, harmful or beneficial to the significance of an asset.

5.5 Part 2 of the note sets out a methodology for a proportionate approach to decision taking with respect to the contribution made by setting to significance, with paragraph 19 noting: “Amongst the Government’s planning objectives for the historic environment is that conservation decisions are based on proportionate assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. Historic England recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to complex or more straightforward cases:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it;
- Step 4: explore ways to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.”

6.0 BUILT HERITAGE ASSESSMENT

Assessment of Impact

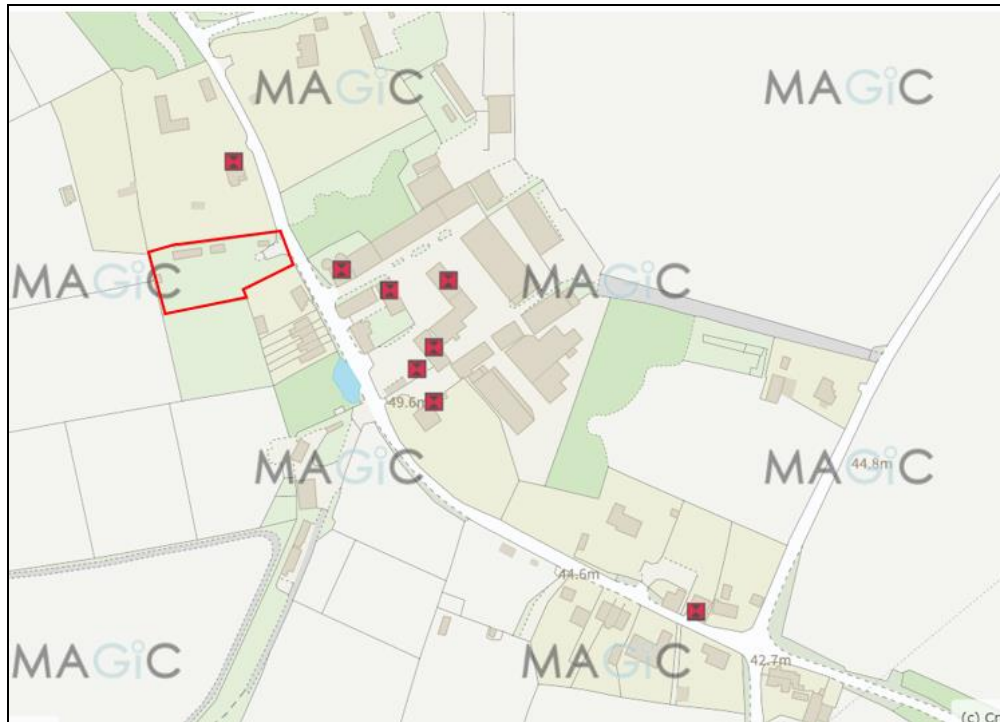
Impact on Designated Heritage Assets

6.1 Due to the existing built form and landscape framework of the surrounds of the Site, visibility of the Site from the surrounding area is limited. It was thus considered that any potential impacts on designated heritage assets would be isolated to Listed Buildings within the immediate vicinity of the Site. These include the following, the first three are located within the employment area of land to the south east of the Site on the eastern side of Highcross Road at Westwood Farm, whilst all eight are within the Westwood Area of Special Character (a non-designated heritage asset):

- Grade II Listed Oasthouses and 2 cylindrical oasts at Westwood Farm, approximately 20m from the eastern boundary of the Site with Highcross Road (National Heritage List for England (NHLE) ref. 1085827);
- Grade II Listed Stables at Westwood Farm, approximately 47m south east of the Site boundary with Highcross Road (NHLE ref. 1337001);
- Grade II Listed Barn at Westwood Farm, approximately 72m south east of the boundary of the Site with Highcross Road (NHLE ref. 1085826);
- Grade II Listed Stables, approximately 78m south east of the eastern boundary of the Site with Highcross Road (NHLE ref. 1337000);
- Grade II Granary, approximately 88m south east of the eastern boundary of the Site with Highcross Road (NHLE ref. 1085825);
- Grade II residential property at 34 Highcross Road, approximately 110m south of the Site (NHLE ref. 1085824);
- Grade II Ivy House, Highcross Road, approximately 30m from the northern boundary of the Site (NHLE ref. 1085823);

- Grade II The Wheatsheaf (former public house), Highcross Road, approximately 300m south of the Site (NHLE ref. 1336999).

The approximate locations of these relative to the Site are indicated on the DEFRA Magic Map extract below.



- 6.2 During a site visit it was ascertained that as a result of land levels, existing landscaping and existing built form along Highcross Road there is only intervisibility (to a limited extent) between the eastern boundary of the Site at Highcross Road and the Oasthouses at the entrance to Westwood Farm.
- 6.3 There is however, no intervisibility between the Oasthouses and the site of the proposed dwelling. The dwelling itself is to be set further into the site than the existing structures that are proposed to be demolished increasing separation to the site frontage. In addition, the application proposals do not propose to alter the access onto Highcross Road and as such it is considered that the development will not impact on the setting of the Oasthouses.
- 6.4 In terms of the setting of Ivy House, the site boundary is marked by a tall long-established and mature hedgerow. The curtilage of Ivy House is also heavily landscaped. The proposed dwelling has a ridge height of approximately 3.5m and will not have a deleterious visual impact on the setting of Ivy House.
- 6.5 The proposed dwelling has been moved further westwards onto the site of the existing barn/store which is now to be demolished. This is in a direct response to comments made on a previous application 23/00033, as the Council's Design Officer and the

Case Officer considered that this would improve any impact arising from the development on the setting of Ivy House.

- 6.6 In terms of function, the Site was until 1997 owned by the landowner the current applicant purchased the land from. It was originally accessed from and part of larger area of approximately 16ha (40 acres) of land to the west and north of Ivy House purchased from Westwood Farm and under the control/ownership of a previous owner of Ivy House. This land was sold off in parcels over the years and the land was subsequently serviced via an access to Plum Cottage until Plum Cottage itself was sold in 1979. From then until 1990 when the previous owner of the subject site sold Ivy House, limited access was gained through the garden of Ivy House, with limited access from Highcross Road.
- 6.7 The former owner of Ivy House retained the Site on selling Ivy House in 1990 and formed a new access directly from Highcross Road to serve the Site during the course of 1990/1991 for which permission was refused and an Enforcement Notice subsequently served. An appeal was allowed and the enforcement notice was quashed on 02/11/2002 (PINS refs APP/C/91/T2215/613556 and APP/T2215/A/91/195482). The appeal decision is helpful in that it sets out at paragraph 10 this above chronology. It is considered by the applicants therefore that since at least 1990, the Site has not, indeed if it ever did, formed part of the curtilage of Ivy House.
- 6.8 There is no intervisibility between any of the other designated assets and the Site. It is considered that the Site does not form part of the setting of these designated heritage assets and they will not be impacted upon by the proposed development. It is therefore contended that there is no need for further assessment.
- 6.9 Designated heritage assets of note within the wider environs of the Site exist at the other neighbouring settlements, including Green Street Green (1km to the west), Betsham (1km to the NE) and Southfleet (1km to the east). They contribute and function as part of those respective settlements and are significantly physically separate from the subject site, which does not contribute to the experience or appreciation of these other designated heritage assets. As such, the Site is not considered to form part of the setting of these assets which is key to their heritage significance, and thus no further assessment has been undertaken.

Impact on Non-Designated Heritage Assets

- 6.10 Policy DP2 states that in areas of additional design sensitivity, and where heritage assets (e.g. listed buildings) or their setting is affected, and within Areas of Special Character (ASC), developments will need to demonstrate accordance with policies DP12 (Historic Environment Strategy) and DP13 (Designated Heritage Assets). Policy DP12 confirms that non-designated Heritage Assets in Dartford includes Areas of Special Character.
- 6.11 ASC's are defined in the DPP as being: "Areas in the Borough which have individual local character and historic Character interest, although not meriting formal Conservation Area status. Many convey a predominantly residential environment in

their established character.” Additionally, the individual ASC SPG’s make clear that their designation is not based on the interest of individual buildings.

- 6.12 Whilst the site access and the existing buildings east of the existing barn/store lie within the Westwood Area of Special Character, the existing barn/store and stables to its west and the remainder of the paddock areas lie outside the ASC. The proposed dwelling would be partially within and outside the area of the ASC. The proposals would result in the removal of the existing, somewhat ramshackle, corrugated metal structures and their replacement with a building of a design and materials that are sensitive to its surroundings, which as stated above will be set further back from the highway than the current structures and further than the previous application. It is therefore the view of the applicants that the proposed development will have no notable effect on the ASC.

7.0 CONCLUSIONS

- 7.1 The buildings within the Site are not considered to be of architectural or historic interest, and none are considered to be representative of non-designated heritage assets (i.e. are of no heritage significance). In addition, the buildings to be demolished are considered to be a negative feature within the area. As such, it is not considered that there are any heritage issues arising from the demolition of the existing buildings within the Site.
- 7.2 Given the nature of the proposals, the sympathetic design and response to the character and appearance of the area, and the proximity of the proposed siting to both designated and non-designated heritage assets as identified above, it is considered that the scheme would not result in any perceivable harm to these assets. Additionally, the removal of multiple existing buildings spread across the site, should be seen be welcomed.
- 7.3 No designated heritage assets will be impacted upon by the proposed development via a change setting, including Listed Buildings within the surrounds of the Site and the Area of Special Character. This is primarily due to the lack of any key contribution made by the Site to such assets and absence of intervisibility.
- 7.4 As such, proposals are considered to be in accordance with the statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework, NPPG and Development Plan policy.