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Heritage Statement – Part retrospective application for the construction of a moat/lake, erection of 4 No. holiday cabins/shepherd huts, landscaping and ecology enhancements at Lucks Lake Fishery, Lucks Lane, Paddock Wood Kent TN 12 6PA

January 2024 DHA/ERP/32107



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1 Introduction

1.1 Purpose of this Statement

- 1.1.1 This Heritage Statement has been prepared by DHA Planning, to accompany a part retrospective application for the construction of a moat/lake, erection of 4 No. holiday cabins/shepherd huts, landscaping and ecology enhancements at Lucks Lake Fishery, Lucks Lane, Paddock Wood Kent TN 12 6PA on behalf of our client Mr. B Norley.

1.2 Supporting Application Documents

- 1.2.1 This Statement should be read in conjunction with the accompanying reports and drawings submitted as part of the application.

2 The Site and Surrounding Area

2.1 The Site

- 2.1.1 The Lucks Lake Fishery is located on land to the south of Lucks Lane and to the southeast of Rhoden Yard. The site comprises a barn which has been converted to two residential dwellings under planning permission 16/502689/PNP and 16/504406/FULL, orchard land and 2 No. fishing lakes, which includes the lake approved under planning permission 19/00452/FULL and the details approved under application 20/02870/SUB.

2.2 Surrounding Area

- 2.2.1 The site is located in open countryside a short distance to the northeast of Paddock Wood. The character of the area is a rural landscape consisting of arable fields, orchards, grazing paddocks and scattered dwellings. The site is bounded by Lucks Lane and a storage site to the north/northwest, a mobile home site to the east, railway and open agricultural land to the south and the gardens of dwellings and a grazing paddock to the west.
- 2.2.2 According to the Proposals Map of the Tunbridge Wells Local Plan 2006 the site is located beyond the built up area of Paddock and in the countryside. The site, however, is not the subject of any special landscape or other designations on the adopted Proposal Map.
- 2.2.3 We note that beyond the boundary of the site and the adjoining commercial site Rhoden Yard, is Rhoden Oast and The Silk House.
- 2.2.4 Rhoden Oast and The Silk House and not included in the statutory list but is understood that they once formed part of an historic farmstead.

3 The Proposal

- 3.1.1 The proposal is a part retrospective application for the construction of a moat/lake, erection of 4 No. holiday cabins/shepherd huts, landscaping and ecology enhancements.

4 Planning Policy Considerations

4.1 Introduction

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the requirements of the Development Plan unless material considerations indicate otherwise. This section identifies and appraises the relevant planning policies and refers to any material considerations which should be taken into account when determining this application.

4.1.2 The Development Plan in this case is the Maidstone Borough Local Plan 2017 and the relevant SPG's. In addition, the NPPF February 2019 is a material consideration. The Kent Design Guide and guidance published by Historic England is also relevant to the proposal.

4.2 Statutory Development Plan

Tunbridge Wells Local Plan 2006 and Core Strategy 2010

4.2.1 The site is located outside of the built confines of Paddock Wood and in the countryside on Proposals Map of the 2006 Local Plan and is not the subject of any landscape or other designations.

4.2.2 The Local Plan 2006 and the Core Strategy 2010 includes policies relating to heritage assets but there appears to be no policies relating to non-designated heritage assets such as historic farmsteads.

4.3 SPD Farmsteads Assessment Guidance for Tunbridge Wells Borough 2016

4.3.1 The adopted SPD seeks to provide guidance to help secure sustainable development and the conservation of farmstead character in the Borough of Tunbridge Wells through the planning system.

4.3.2 Under the heading Key Issues, the SPD states;

Future change should capitalise on the significance of traditional farmsteads. National and local research has highlighted the significance of traditional farmsteads as assets which contribute to landscape character, local distinctiveness and rural economies and communities. This requires a flexible approach to all types of use, that informs future change, inspires high quality development and ensures that they can be conserved as historic assets and contribute to local character.

Understand the whole site in its landscape setting, and how it has changed. The visual and functional relationship of farmsteads to the land, including the extent to which they have changed, is key to identifying constraints, what can be enhanced or reinstated and where there may be opportunities for future change.

4.3.3 The historic farmstead in this case is identified as (Rhoden Farm Historic Farmstead).

4.4 National Planning Policy Framework December 2023

4.4.1 In the context of heritage assets, the NPPF states at paragraph 195 and 205 as follows:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

"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."

4.5 Historic England – The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) December 2017

4.5.1 The "setting of a heritage asset" is defined in the Glossary of the National Planning Policy 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

4.5.2 The Historic England document referred to above advises that:

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust 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.

4.6 Historic England Listed Buildings and Curtilage Historic England Advice Note 10

4.6.1 The Historic England Advice Note 10 advises that:

The curtilage of a building (the principal building) is in general terms any area of land and other buildings that is around and associated with that principal building.

The courts have said that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building:

the physical layout of the listed building and the structure;

their ownership, both historically and at the date of listing; and

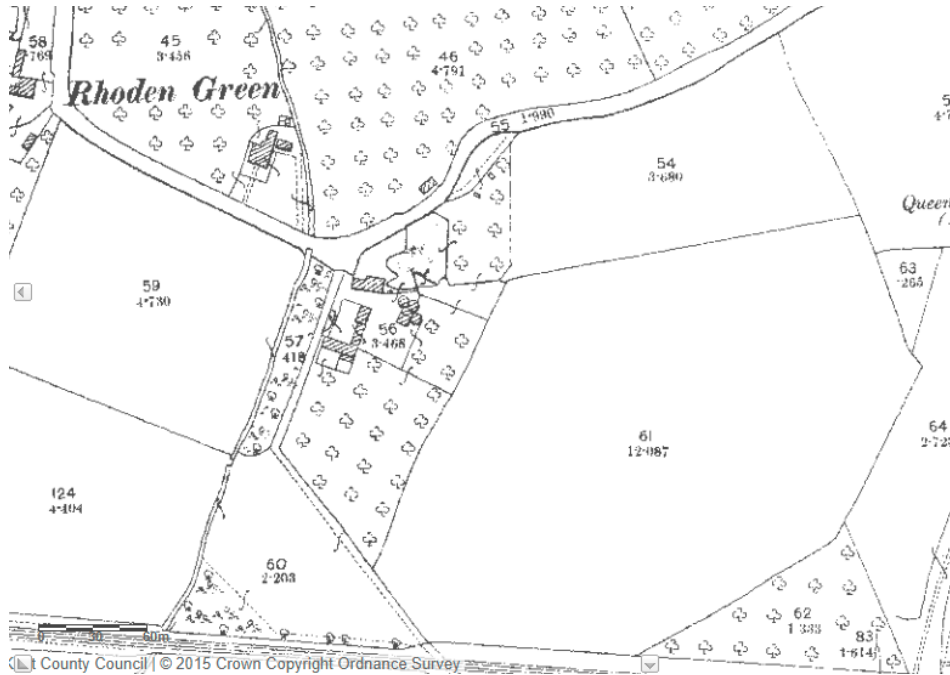
the use or function of the relevant buildings, again both historically and at the date of listing (these tests were first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982, as accepted by Debenhams plc v. Westminster CC, 1987).

Planning permission for works to a building within the setting of a listed building will need to take account of the contribution that building makes to the heritage significance of the listed building

4.6.2 In this case the historic farmstead at Rhoden Farm and The Silk House are not included in the statutory list and therefore are considered to fall outside of the scope of the NPPF and the guidance set out in the Historic England documents in this respect.

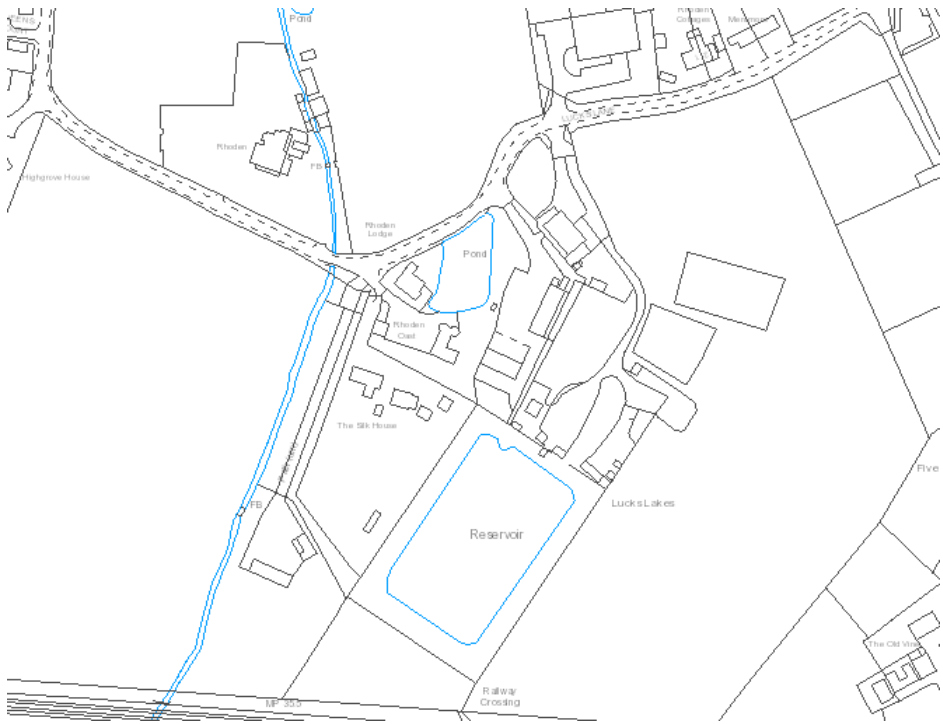
5 Impact on the Setting of the Historic Farmstead

- 5.1.1 As noted above, Rhoden Farm and The Silk House are not included in the Statutory list of building of historic or architectural interest. However, it is understood that they and the adjoining land once formed part of an historic farmstead.
- 5.1.2 Below is an extract from the 1897- 1900 OS map (Courtesy of Kent County Council) which shows Rhoden Green and the immediate surrounding land, which includes Rhoden Oast and The Silk House.



1897- 1900 OS map (Courtesy of Kent County Council)

- 5.1.3 It will be noted from the OS map extract Courtesy of Kent County Council and the Google Earth aerial image on page 9 that the character of the land immediate adjacent to Rhoden Oast and The Silk House have significantly changed over the last 100 years when compared to the 1897- 1900 OS map.
- 5.1.4 In particular, it will be noted that there is an established commercial/storage use on the land which once formed part of the farmstead between the application site and Rhoden Oast and The Silk House. This marked change to the character of the farm and the historic farmstead buildings took place in the mid-20th century. Importantly, it should be noted that the application site at Lucks Lake Fishery and indeed the commercial storage/industrial site are now clearly separate entities and are no longer form part of the land that was once an historic farmstead.
- 5.1.5 Furthermore, the character of the land is no longer agricultural and is not in any way connected to or related to Rhoden Oast or The Silk House. The land is now used for commercial/industrial use and a commercial fishery and recreational use with clearly defined boundaries which include trees and hedgerows along their northwestern boundaries.



OS map extract Courtesy of Kent County Council



Aerial Image of Rhoden Green dated 2020 - Courtesy Google Earth

6 Conclusion

- 6.1.1 Based upon the above, we concluded that the proposed development, will have no impact on the character or the setting of the historic farmstead.