

## **FINAL**

**OUTLINE PLANNING APPLICATION WITH SOME MATTERS RESERVED (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR REDEVELOPMENT OF LAND OFF PUMP LANE TO INCLUDE RESIDENTIAL DEVELOPMENT COMPRISING OF UP TO 1,250 RESIDENTIAL UNITS, A LOCAL CENTRE, A VILLAGE GREEN, A TWO FORM ENTRY PRIMARY SCHOOL, A 60 BED EXTRA CARE FACILITY, AN 80 BED CARE HOME AND ASSOCIATED ACCESS (VEHICULAR, PEDESTRIAN, CYCLE).**

**LAND OFF PUMP LANE, RAINHAM, KENT**

**PROOF OF EVIDENCE ON HERITAGE**

**ON BEHALF OF AC GOATHAM AND SONS**

**PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990  
TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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## **1. AUTHOR'S BACKGROUND**

1.1 My name is Gail Stoten. I am a Heritage Director at Pegasus Planning Group. I am a Member of the Chartered Institute for Archaeologists (MCI(A)). I have been elected a Fellow of the Society of Antiquaries of London. I have a First Class Honours degree in Archaeology, and I have been a heritage professional for 20 years. I am a Trustee of Painswick Rococo Gardens.

1.2 I have acted as a heritage consultant on numerous large-scale developments in England and Wales, on behalf of developers, local planning authorities, and third parties. Projects I have been professionally instructed on, have included:

- Land at 'Perrybrook' to the north of Brockworth and south of the A417, Brockworth, Gloucestershire. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 1500 dwellings in the wider vicinity of Listed Buildings;
- Land west of Knights Hill Village, Grimston Road, South Wotton, Norfolk. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 600 dwellings and associated works in the wider vicinity of Castle Rising Castle Listed building, Scheduled Monument and Conservation Area;
- Land south of Gallows Hill/West of Europa Way, Heathcote, Warwick. Secretary of State Decision (concurring with Inspector's recommendation) allowing the construction of up to 450 residences, in the wider vicinity of Listed buildings, Scheduled Monument the Conservation Area and Registered Park and Garden associated with Warwick Castle and the town of Warwick;
- Land at Bocking Church Street, Braintree, Essex, where up to 265 residences and associated works were consented close to a Grade II Listed farmhouse;
- Land at Pope's Lane, Sturry, Kent, Inspector's Decision, not allowing the residential development of the site for 140 dwellings on transport grounds, but concurring with my assessment of less than substantial harm at the lower end of the spectrum for an adjacent Listed farmhouse complex.

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- 1.3 I provide expert advice to clients on heritage assessment and also manage survey work (including built heritage assessments and archaeological works) carried out by our company and sub-contractors. My role necessitates close liaison with heritage stakeholders such as Historic England and Local Authority heritage officers.
  - 1.4 The assessment of the setting of heritage assets is an area in which I hold particular expertise.
  - 1.5 The evidence which I have carefully prepared and provided for this appeal in this Proof of Evidence is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

## **2. INTRODUCTION**

- 2.1 This Proof of Evidence has been prepared following the refusal to grant planning permission for a mixed scheme at Land off Pump Lane, Rainham, Kent. This proof of evidence considers matters relating to heritage. Matters relating to the planning balance are considered in the proof of Mr Duncan Parr.
- 2.2 Planning Application No. MC/19/1566 was submitted to Medway Council and validated on 28<sup>th</sup> June 2019. The submission sought outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for the redevelopment of land off Pump Lane to include residential development comprising of up to 1,250 residential units, a local centre, a village green, a two-form entry primary school, a 60 bed extra care facility, an 80 bed care home and associated access (vehicular, pedestrian, cycle) (“the proposed development”).
- 2.3 The planning application was accompanied by an Archaeological Desk-Based Assessment (SWAT 2019<sup>1</sup>) and a Heritage Setting Assessment (Rapleys 2019<sup>2</sup>). Further assessment in terms of setting was submitted as a Heritage Note (KM Heritage 2019<sup>3</sup>).
- 2.4 A new Heritage Statement was completed by Pegasus Group in September 2020 following accompanying the submission of a new indicative masterplan (ref. 11047PL006A).

### Consultation

- 2.5 In a response dated 1<sup>st</sup> August 2019 from Alice Brockway<sup>4</sup>, Inspector of Historic Buildings and Areas, Historic England asserted that the proposed development has the potential to impact upon:
- Lower Rainham Conservation Area,

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<sup>1</sup> SWAT Archaeology, 2019. *Archaeological Desk-Based Assessment of Land at Pump Farm / Bloors Farm, Lower Rainham, Kent. Core Document CD5.37*

<sup>2</sup> Rapleys, 2019. *Environmental Statement Technical Appendix 14.3: Heritage Setting Assessment; Land at Pump Lane, Lower Rainham. Core Document CD5.39*

<sup>3</sup> KM Heritage, 2019. *Pump Farm and Bloor Farm, Lower Rainham, Kent: Heritage Review. Core Document CD6.3*

<sup>4</sup> Historic England, 2019. *Response on Land off Pump Lane, Rainham, Kent: 1<sup>st</sup> August 2019. CD13.1*

- Lower Twydall Conservation Area and
  - “Highly graded buildings like Bloor Place”, although Ms Brockworth did confirm that ‘a parcel of land south of the building would effectively act as a buffer between the development and Bloor Place’. It should be noted that no other Grade II\* Listed buildings are in situ in the vicinity.
  - Chapel Cottage (presumably referring to Chapel House) is mentioned as potentially being affected by virtue of increased traffic movements, and the site is stated to form part of the setting of Pump Farmhouse.
- 2.6 This response is unclear on which assets are being referred to, and notably gives no level of anticipated harm, neither even categorising the harm as substantial or less than substantial, or moreover, expressing where within a category, harm is said to lie (which is a basic requirement of the PPG). The categorisation of the harm as less than substantial can be inferred from the reference to paragraph 196 of the NPPF.
- 2.7 Following the submission of further information with regards to heritage, a second response dated 31<sup>st</sup> October 2019<sup>5</sup> from Alice Brockway stated that Historic England have concerns regarding the application on heritage grounds and their opinion regarding the “*level of harm arising from this application or our recommendations*” had not fundamentally changed. My observations above similarly apply, meaning that ultimately, no clear or appreciable level of harm has been articulated.
- 2.8 Comments on the application were also made by Mr Ross Crayford, Medway Council Conservation Officer, in emails to the Planning Officer dated 12<sup>th</sup> July, 2<sup>nd</sup> August and 31<sup>st</sup> October 2019.
- 2.9 In his first response (12<sup>th</sup> July)<sup>6</sup>, Mr Crayford identified potential impacts to York Farmhouse, Pump Farmhouse, Chapel House, 497-501 Lower Rainham Road, The Old House, Bloors Place, a range of outbuildings including cart lodge and granary west of Bloors Place, and the garden walls to south and east of Bloors Place, as well as a range of non-designated heritage assets, whilst also recognising the

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<sup>5</sup> Historic England, 2019. *Response on Land off Pump Lane, Rainham, Kent: 31<sup>st</sup> October 2019.* CD13.2

<sup>6</sup> *Email dated 12<sup>th</sup> July from Mr Ross Crawford* CD13.3

outline nature of the application. Mr Crayford also conveyed that the proposed development would cause cumulative harm to heritage assets through coalescence of settlements and would harm the historic landscape, identified as Northern Horticultural Belt.

2.10 Additional comments from Mr Crawford of 2<sup>nd</sup> August 2019<sup>7</sup> assert that impacts to heritage assets may occur through increased traffic movement within the vicinity, and potentially through the placement of drainage works.

2.11 A later email of 31<sup>st</sup> October from Mr Crawford<sup>8</sup> included a review of the then submitted Heritage Statement and Heritage Review, and suggested that harm would occur to the assets previously noted.

2.12 The Officer's Report states that the proposal would impact the following assets, with the harm identified as '*significant (albeit "less than substantial") harms to designated heritage assets*':

- *Lower Twydall Conservation Area;*
- *Lower Rainham Conservation Area;*
- *York Farmhouse;*
- *Pump Farmhouse;*
- *Chapel House;*
- *497-501 Lower Rainham Road;*
- *The Old House;*
- *Bloors Place;*
- *A range of outbuildings including cart lodge and granary west of Bloors Place; and*
- *the garden walls to south and east of Bloors Place (Grade II).*

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<sup>7</sup> Email dated 2<sup>nd</sup> August 2019 from Mr Ross Crawford CD13.3

<sup>8</sup> Email dated 31<sup>st</sup> October 2019 from Mr Ross Crawford CD13.3

- 2.13 In addition, the historic landscape which was considered to be a non-designated heritage asset, is also suggested to be '*significantly harmed*'.
- 2.14 With regards to below-ground archaeology, the Officer's Report concluded that an appropriately worded condition would need to be drafted, if the decision is to approve.

Reason for Refusal

- 2.15 Planning permission was refused by Medway Council on 12<sup>th</sup> June 2020, with the second Reason for Refusal relating to heritage:

*"The proposed development would have a harmful impact on the local historic landscape, as well as the setting and significance of a number of designated heritage assets, including: listed buildings (York Farmhouse (Grade II); Pump Farmhouse (Grade II); Chapel House (Grade II); 497-501 Lower Rainham Road (Grade II); The Old House (Grade II); Bloors Place (Grade II\*); a range of outbuildings including cart lodge and granary west of Bloors Place (Grade II); and, the garden walls to south and east of Bloors Place (Grade II)); and, two Conservation Areas (Lower Twydall; and, Lower Rainham).*

*Applying the great weight which has to be given to the conservation of the designated heritage assets (by virtue of NPPF paragraph 193 and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990), the proposal is contrary to Local Plan policies BNE12 and BNE18. In addition, as the public benefits of the scheme would not outweigh the harm to the designated heritage assets, the proposed development is also contrary to the NPPF paragraph 196."*

- 2.16 The Council's Statement of Case asserts that harm to the heritage assets noted above will occur, that they consider cumulative harm to the assets would occur and that the historic landscape should be considered as a separate heritage asset.
- 2.17 With regards to the above, I am able to make the following, immediate observations:
- At point of determination, neither Historic England nor the Conservation Officer provided any clear or adequate assessment of which assets would be harmed and what the anticipated level of harm for each asset would be, in their views. The Planning Practice Guidance is clear that not only



should harm be categorised as substantial or less than substantial, but an assessment of where on either scale it lies should be made<sup>9</sup>:

*"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.*

- Classifying harm as 'significant' does not satisfy important tests in policy or guidance.
- Historic England have commented on issues relating to the setting of Grade II Listed buildings and Conservation Areas, matters that do not fall within the scope or categories of development upon which they should be consulted<sup>10</sup>.

#### Revision to and expansion of the Council's Case

2.18 Although the reason for refusal and Council's Statement of Case had suggested that harm would be caused to the heritage assets listed above, the Council has since agreed that no harm will occur to the heritage significance of the Grade II Listed 497-501 Lower Rainham Road and the Grade II Listed The Old House.

2.19 On 5<sup>th</sup> January 2021, it became apparent also that the Council have since extended their case on harm, notably beyond the Officer's Report and the Statement of Case, etc., to now assert the following as separate non-designated heritage assets which the Council now also contends are affected in some way by the proposed development:

- Oast house, south of Bloors Farm;
- N-S landscape character sequence (river-suburban residential);
- Historic routes (Pump Lane and bridleway) and
- Intangible qualities of setting (tranquillity, historic relationship between places, seasonal activity, night-time darkness).

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<sup>9</sup> PPG Paragraph 18, <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

<sup>10</sup> See Historic England's Note on when to consult them, dated February 2019, CD3.16

### **3. KEY ISSUES**

3.1 The key issues are the following:

- What are the heritage assets that may be harmed? Assets and their settings will be considered separately.
- Does the Appeal Site contribute to this significance?
- Will this significance be harmed by the proposed development?

3.2 This approach follows paragraph 189 of the NPPF, which requires that the significance of any heritage assets affected is described, including any contribution made by their setting. This gives a proportionate level of detail sufficient to understand the potential impact of the proposal on each asset's significance.

3.3 For designated heritage assets, harm is categorised as substantial or less than substantial, and where within the appropriate category it lies is articulated. This allows for wider consideration of the harm under paragraph 196 of the NPPF to be undertaken by Mr Parr, as part of conducting the overall planning balance. With regards to harm to any non-designated heritage assets, harm is articulated as very minor, minor, moderate or major, as there is no policy requirement to categorise harm to such assets as substantial or less than substantial. Any harm to non-designated heritage assets should be considered under paragraph 197 of the NPPF.

### **4. LEGISLATION AND PLANNING POLICY**

4.1 The legislation and planning policies considered relevant to this proposal are given in the Statement of Common Ground.

### **5. METHODOLOGY**

5.1 A full methodology is given the Statement of Common Ground.

## **6. HERITAGE ASSETS**

6.1 The second Reason for Refusal relates to heritage which cites harm to the significance of the following:

- Grade II Listed York Farmhouse;
- Grade II Listed Pump Farmhouse;
- Grade II Listed Chapel House;
- Grade II Listed 497-501 Lower Rainham Road;
- Grade II Listed The Old House;
- Grade II\* Listed Bloors Place;
- Grade II Listed range of outbuildings including cartlodge and granary west of Bloors Place;
- Lower Twydall Conservation Area;
- Lower Rainham Conservation Area; and
- The Local Historic Landscape.

6.2 No other heritage assets, designated or non-designated, are mentioned in the Reason for Refusal. Yet, as introduced above, the Council's case has now expanded as to assert that the following are individual heritage assets, and further, that these may be affected:

- Oasts south of Bloors Farm
- N-S landscape character sequence (river-suburban residential)
- Historic routes (Pump Lane and bridleway)
- Intangible qualities of setting (tranquillity, historic relationship between places, seasonal activity, night-time darkness ...)

6.3 With regards to the above, and to the Council's introduction of "intangible qualities of setting", guidance is clear that setting is not, of itself, a heritage asset nor a

heritage designation<sup>11</sup>. In my assessment below, I consider elements of setting within the assessments given for each asset.

- 6.4 I do not consider that the Bridleway or Pump Lane are heritage assets. This is further discussed below in paragraph 6.181. Neither of these elements were referenced by the Conservation Officer (or Historic England) as heritage assets.
- 6.5 Whilst the Council seeks to characterise the '*N-S landscape character sequence*' as an asset, they do not appear to attribute any harm caused directly to this suggested asset, but rather identify 'Harm that would reduce its contribution to the significance of all the heritage assets'. In my assessment below, I consider changes to the landscape within the assessment for each asset. In any event, I do not consider this 'sequence' amounts to a heritage asset.
- 6.6 Furthermore, I consider the setting of the Oast House non-designated heritage asset below.
- 6.7 It is now agreed common ground with the Council that the proposed development will not cause harm to the heritage significance of the Grade II Listed 497-501 Lower Rainham Road and The Old House.
- 6.8 It should be noted that with regards to the designated heritage assets, any harm identified by the Council was, and continues to (even when accounting for their extended case), be less than substantial.

### **York Farmhouse**

#### **Background**

- 6.9 The Grade II Listed York Farmhouse lies c. 80m west of the site (NHLE ref. 1259716). The two-storey dwelling was constructed with a timber frame and a plain tiled roof during the 16<sup>th</sup> century with additions of 17<sup>th</sup>-, 18<sup>th</sup>- and 19<sup>th</sup>-century date. The elevations were encased with red and blue brick in the 19<sup>th</sup> century.
- 6.10 The house has been converted into three cottages and the outbuildings have also been converted to residential use (Plate 1). Its functional association with the wider farmland has clearly been severed.

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<sup>11</sup> Historic England *GPA3 The Setting of Heritage Assets*, 2017, paragraph 9, CD 3.17



*Plate 1: The Grade II Listed York Farmhouse, now three cottages*

- 6.11 York Farmhouse is located within the associated garden plots of the three dwellings it now contains. The area formed by the gardens largely comprises the historic area of the farmhouse garden, but a little expanded from its historic limits. As such, the character of its immediate surrounds has stayed of broadly similar character, but the experience of the area has changed including as a result of subdivision.
- 6.12 It should also be noted that as well as the garden plots of the dwellings that were subdivided within the former farmhouse, the Listed building is further surrounded by a combination of the curtilage of the dwellings that were constructed to the south-east and woodland mostly likely planted to screen the railway line 65m to the south-west from the asset.
- 6.13 The earliest map to clearly depict the building and its landholding is the Tithe Map of Gillingham parish of 1838. This shows that the farmhouse was located at the north-eastern extent of the parish and was one of three farmsteads located along Lower Twydall Lane. The other two farmsteads comprised *Little London* and *Tweedole*. York Farmhouse comprised a *House, Yard and Premises'* which were under the ownership and occupancy of Reverend Henry John Dawes.

6.14 The Tithe Map and accompanying Apportionment Register also record the landholding that was associated with the farmhouse at the time, including three land parcels located within the western extent of the site comprising an area of orchard known as *Bedlam Croft behind House* (1549), a market garden known as *Bedlam Croft* (1550) and an area of arable land known as *The Four Acres* (1551) (Plate 2). This functional association of the asset and wider land has now been severed. The Tithe Map shows that the York Farm landholding was a dispersed rather than a consolidated landholding historically.



*Plate 2: Extract from the parish map of Gillingham showing the landholding associated with York Farmhouse (blue shading) including three land parcels within the site*

6.15 Associated outbuildings to the south-east have been removed and a band of woodland now lies to the south-west of the farmhouse.

6.16 Other historically associated farm buildings to the east have been converted or rebuilt on an extended footprint to provide residences which now lie in their own curtilage and garden plots. As such, their illustrative value as to the origin of the farmhouse has been reduced. Another barn (not part of the York Farm complex

at the time of the Tithe Map, but part of the Little London complex) to the north-east has also been converted to a large residence. The change to the curtilage of the former farmhouse is clearly demonstrated by comparing the historic maps with a recent aerial photograph (Plates 3 and 4).

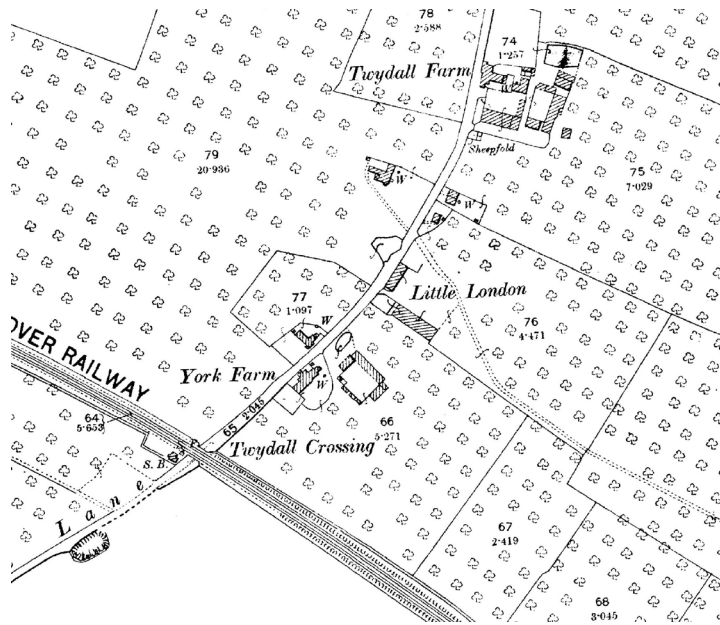


Plate 3 Extract from the Ordnance Survey map of 1896



Plate 4 Recent aerial photograph © Google 2020

6.17 The most notable change with regards to the setting of the farmhouse is the construction of two large 5 bedroom semi-detached residences to the south-east, and the wrapping of their domestic curtilages (including a swimming pool) around

those of the dwellings within the farmhouse (Plate 4), providing two layers of domestic curtilage around the former farmhouse.

- 6.18 A strongly-vegetated boundary now clearly defines the south-eastern boundary of the residences within York Farmhouse discussed, greatly limiting their intervisibility with the land beyond, which is laid to modern commercial orchard.
- 6.19 York Farmhouse was sited adjacent to Lower Twydall Lane, and it is from here and its associated garden plots that the asset can best be appreciated.
- 6.20 There is extremely limited and heavily filtered intervisibility between the land within the site and York Farmhouse, with the vegetation on the boundary of the garden plots and within them almost totally screening visibility (Plates 5 and 6).



*Plate 5 Looking north to a heavily filtered glimpse of the uppermost element of York Farmhouse from the westernmost area of the site*





*Plate 6 Looking north-east towards York Farmhouse from the south-eastern area of the site*

*Significance*

- 6.21 As a Grade II Listed Building, York Farmhouse is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.
- 6.22 The heritage significance of the asset is primarily derived from its built form, which has architectural, artistic and historic illustrative values as an example of a 16<sup>th</sup>-century farmhouse which has subsequently been the subject to a number of additions and alterations.

*Significance Derived from Setting*

- 6.23 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its fabric. The building was clearly Listed for its architectural interest, as detailed in its Listing description, which describes details of its exterior and interior features, and documents that it retains early post-medieval fabric. The contribution of the asset's setting is clearly lesser than that of the fabric, with this evidenced by the change that has occurred to its surrounds (and also that such change was permitted by the LPA). This has included the construction of two large

semi-detached dwellings to the south-east of the asset, and the wrapping of their modern domestic curtilages around the gardens of the former farmhouse.

6.24 The elements of the asset's setting that makes the greatest contribution to its heritage significance comprise the following:

- The associated garden plots of the former farmhouse which although subdivided approximate the historic garden area. The observer will experience the architectural interest of the asset best from here and from the Lower Twydall Lane, and they also have historic illustrative interest;
- The formerly associated outbuildings which have since been converted to residential use, which have historic illustrative interest;
- Views towards the asset from Lower Twydall Lane, in which its architectural interest can be appreciated, and which have historic illustrative interest as it can be understood as part of the settlement from there.

6.25 The functional association of the asset with the wider farmland has clearly now been severed.

6.26 With regards to other, intangible qualities of setting, tranquillity is not considered to make an appreciable contribution to the setting of the asset, as it has been subdivided into multiple residences, is surrounded by the curtilages of these multiple residences, and the large new residences and converted outbuildings and their curtilages, and lies close to the railway. Likewise, night time darkness is not considered to make any particular contribution to the heritage significance of the asset.

*The Contribution of the Appeal Site to the significance of the Asset*

6.27 The site has minimal intervisibility with the uppermost elements of York Farmhouse.

6.28 Part of one field of the site was once part of the farm landholding historically, although the majority of the landholding lay beyond the site, and this ownership link has now been severed. The historically associated land was a dispersed landholding rather than being a legible consolidated area surrounding the farmhouse, as evidenced by the Tithe Map.

- 6.29 Furthermore, the conversion of the farmhouse into three cottages and the conversion of the former outbuildings to residential use has clearly severed the functional association of the complex with the wider landscape.
- 6.30 It should also be noted that the land within the site has changed in character from orchard, arable and market garden to modern commercial orchard.
- 6.31 An important consideration is how the asset is experienced in its surrounds. There is no ready access between the site and the farmhouse. There is no access to the site, private or public, from the vicinity of the farmhouse, with the site accessed from Pump Lane an appreciable distance away. There are no public footpaths through the site between Lower Twydall Land and Pump Lane. York Farmhouse is not readily appreciated from the train line to the south. Any appreciation of land beyond the immediate vicinity of the asset is through mapping alone.
- 6.32 The land within the site is not considered to contribute to the heritage significance of York Farmhouse.

*The Impact of the Proposed Development on Significance*

- 6.33 The proposed development has been set back from the westernmost end of the site and, with planting proposed in this area, and no visibility of the development is anticipated either from the asset or as a backdrop to it in views from Lower Twydall Lane.
- 6.34 The proposed development would result in the construction of modern built form to the south-east York Farmhouse, in areas not visible from the asset, and not readily experienced in conjunction with it. The character of the land will be altered from conspicuously modern and commercial orchard planting, to residential. It is from Lower Twydall and the garden plots of the residences the farmhouse was subdivided to create that the asset is best experienced and understood.
- 6.35 No views that affect its architectural interest would be affected.
- 6.36 Change to the wider farmland with which it is no longer associated or experienced, and which itself has experienced change historically is not considered to harm the heritage significance of the asset through any change brought about to historic illustrative values. The legibility of the asset as being of agricultural origin will remain through the converted outbuildings, and fundamentally, this is not

contingent on any particular land use within the site, and moreover, it will remain legible as part of the Lower Twydall settlement.

- 6.37 The proposed development within the site is considered to result in no harm to the heritage significance of the Grade II Listed York Farmhouse through changes in setting.

Consultee comments

- 6.38 Consultee comments identify harm to the heritage significance of York Farmhouse, with Historic England stating:

*"Both conservation areas and the listed buildings within them thus derive some significance from their setting which continues to illustrate a historic functional relationship to surrounding agricultural land and their historic character as modest rural hamlets."*

- 6.39 The Conservation Officer has stated that:

*"We have concerns over the indicated location for adjacent development which is likely to encroach upon and interrupt their existing and important historic rural setting."*

- 6.40 However, the land within the site is not experienced in a way that is illustrative of the relationship this building once had with the land. It has minimal intervisibility with it. It is not visible as a backdrop to it in key views.

- 6.41 There is no current functional connection with the land of the site, and no ready access between the asset and this area.

- 6.42 The proper basis for assessment, supported by case law, is clear that with regards to change to the surrounds of an asset, harm only occurs when the relationship a site has with an asset is more than remote and ephemeral and:

*"which in some way bears on one's experience of the listed building in its surrounding landscape or townscape"<sup>12</sup>*

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<sup>12</sup> *Catesby Estates Ltd v. Steer*, EWCA Civ 1697, 2018, Core Document 4.6

- 6.43 An example of where this established principle has been upheld is at Long Melford<sup>13</sup>, where the Inspector and Secretary of State agreed that the site did not contribute to the heritage significance of the church, despite intervisibility.
- 6.44 The assertion that the wider landscape (which is not readily experienced in conjunction with the asset) contributes to its heritage significance through setting is not accepted. Being part of the wider agricultural landscape around an asset does not automatically engender a contribution to a heritage asset's significance through setting. An area must contribute to the experience and understanding of an asset in a way that contributes to its heritage significance. The site does not make such a contribution to the heritage significance of York Farmhouse.

### **Pump Farmhouse**

#### *Background*

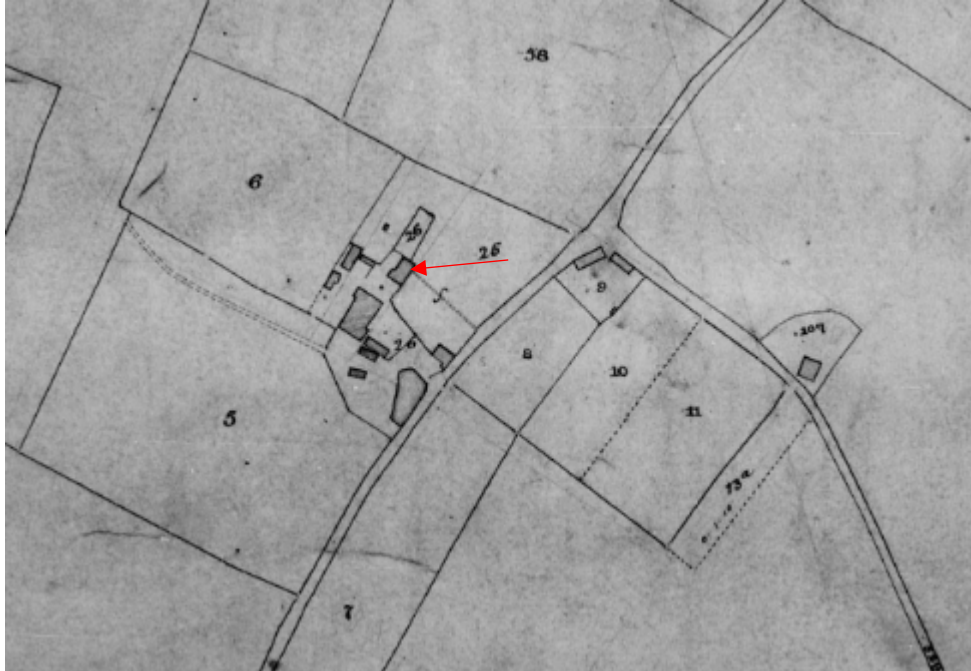
- 6.45 The Grade II Listed Pump Farmhouse lies c. 35m from the eastern boundary of the western site parcel (NHLE ref. 1259637). The two-storey farmhouse was constructed out of rendered brick, with brick end lateral stacks, a left-hand rear external stack and a tiled hipped roof during the late 18<sup>th</sup> century, and it was extended and remodelled during the early 20<sup>th</sup> century (Plate 7).



*Plate 7: View south towards the Grade II Listed Pump Farmhouse from within the site*

<sup>13</sup> APP/D3505/W/18/3214377, Core Document 4.5

- 6.46 Historically, the farmhouse was surrounded on three sides by orchard and arable and was seemingly purposefully set back from Pump Lane with a farmyard located to the immediate south (Plate 8).



*Plate 8 Extract from the Rainham Tithe Map of 1838, showing Pump Farmhouse*

- 6.47 Russet Farm, a development of 24 modern residences, has since been constructed in the area of the former farmyard/depot, on two sides of the farmhouse and close to it ( Plate 9). This is a dense development of houses within six terraces, very modest gardens and access roads. A large modern outbuilding associated with the orchard has also been constructed to the north of the asset, a former outbuilding/cottage has been rebuilt a separate residence to the south, and the access road to the depot lies to the east of the farmhouse. The farmhouse now appears to be a single private dwelling.



*Plate 9 Extract from a recent aerial photograph, showing the modern housing complex and modern outbuilding*

- 6.48 The earliest map to clearly depict the building and its landholding is the Plan of Rainham parish of 1838. Pump Farmhouse is depicted as comprising a *Homestead, House and Buildings* under the ownership of the Earl of Thanet and William Austen Clark and under the occupancy of Frances Sugden which also owned and occupancy some of the land within the site (Plate 10).



*Plate 10: Extract from the parish map of Rainham showing the landholding associated with Pump Farmhouse (yellow shading) including land parcels within the site*

- 6.49 At this time, the landholding comprised orchard, arable, and market garden.
- 6.50 The farmyard expanded in the mid-20<sup>th</sup>-century, with larger buildings to the west of the farmhouse, which were labelled as a depot on later mapping. This area was later redeveloped for 24 residences, and the depot function moved to the large building north of the farmhouse, the access for which lies to the east of the Farmhouse.
- 6.51 Today, Pump Farmhouse is set back from Pump Lane beyond vegetation (Plate 11) and is best appreciated from its associated garden plot, which has been expanded from the smaller garden area that it lay within historically (see plates 12 and 13 below).





Plate 11 Looking towards Pump Farmhouse from Pump Lane

6.52 The earliest available mapping to depict the limits of the garden shows a narrow garden plot extending south-east from the house. The gardens have since been expanded, including being extended eastwards.

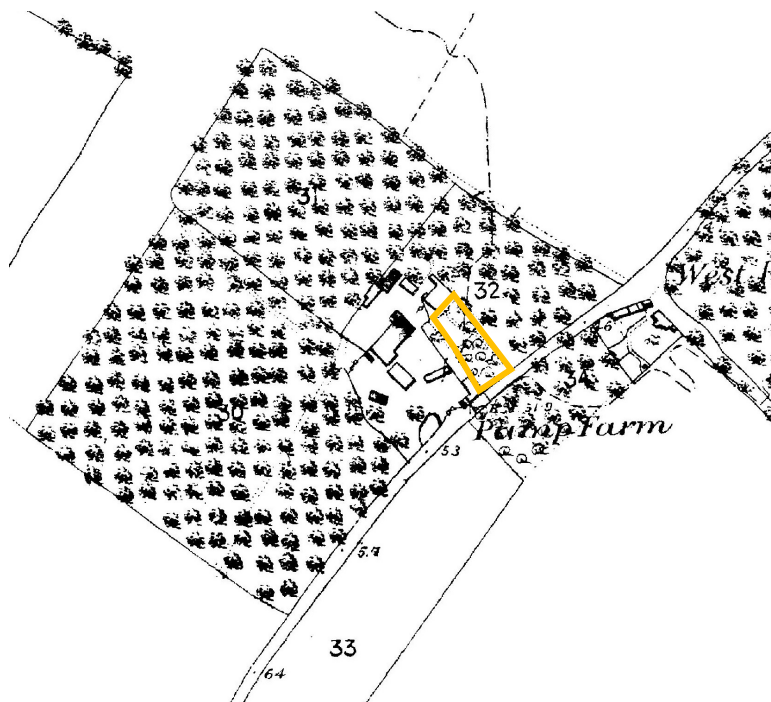


Plate 12 Extract from the 1885 Ordnance Survey map showing the extent of the garden in orange



*Plate 13 Modern aerial photograph of the surround of Pump Farmhouse*

6.53 The replacement of the farmyard/depot with a complex of modern residences has extinguished the functional connection of the farmhouse with the wider land, and very greatly reduced the agricultural character of the building, and it is only the name of the asset that elucidates its former agricultural connection. The scale and massing of the modern complex makes it clear that it is a residential, not agricultural, complex, even in distant views (Plate 14). This complex lies immediately to the north and west of the farmhouse.



*Plate 14: Look south-east to the Russet Farm complex from within the site (Pump Farmhouse not visible)*

- 6.54 To the south of the farmhouse lies a residence that may retain late 19<sup>th</sup>-century fabric, with a structure having been depicted in this location since mapping of 1895, but apparently it has been subsequently largely rebuilt. This is not of legible former agricultural character. It retains no architectural features visible from the road that indicate its origins as part of a farm complex (Plate 15). This structure and garden plot of the farmhouse limit the visibility of the farmhouse from Pump Lane.



*Plate 15: Looking west to the dwelling that may retain some former agricultural building fabric*

- 6.55 The modern residential complex limits the intervisibility of the farmhouse with the modern orchard land to the north and west (including most of the areas that were historically associated that now lie within the site, Plate 10 above). The house does have some intervisibility between its side elevation and land to the north-east, including land within the site, although this is partially screened by a large shed and orchard trees (Plates 16 and 17). It should also be noted that this land was mostly in separate ownership historically (Plate 10, above) so has no documented or otherwise obvious functional relationship with most of this area.



*Plate 16 Looking south-west to the upper elements of pump farmhouse from within the site*



*Plate 17 Looking south-west to Pump Farmhouse from within the site*

6.56 Hence, there is some intervisibility between the land within the site and Pump Farmhouse, with views north-east from the farmhouse being to modern

commercial orchard, although this is of modern character; is largely present in an area that was documented as being arable; and was largely in separate ownership, historically.

6.57 The functional link between the wider land and the farmhouse has now clearly been severed, with it now being a private residence.

6.58 Overall, the setting of the asset has experienced a large degree of change over the past 50 years, and it is now functionally and to a large degree visually separated from the wider landscape by this change.

#### Significance

6.59 As a Grade II Listed Building, Pump Farmhouse is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.

6.60 The heritage significance of the asset is primarily derived from its built form, which has architectural, artistic and historic illustrative values as an 18<sup>th</sup>-century farmhouse which was remodelled during the 20<sup>th</sup> century.

#### Significance Derived from Setting

6.61 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its fabric. The building was Listed due to its architectural interest, with the Listing description noting its 18<sup>th</sup>-century origins and remodelling in the early 20<sup>th</sup> century. The immediate surrounds of the asset have been comprehensively changed in form and character since the asset was Listed in 1973, going from working farmyard surrounds, to an adjacent depot, to lying within a residential complex of 25 other houses and being surrounded by an extended garden plot. The degree of change and that the change was permitted demonstrate the lesser contribution to the overall significance of the asset that setting makes compared to the fabric of the structure.

6.62 The elements of the asset's setting that makes the greatest contribution to its heritage significance are its associated garden plot, from where its architectural interest is likely to be best experienced and understood.

6.63 The wider agricultural land, some of which is intervisible with the site and some of which was historically associated with the site, makes a small contribution to the heritage significance of asset through setting, through historic illustrative

values, although this is minor, considering the severance of the of the functional and ownership association, the screening effect of the modern development in the vicinity of the asset, and the change in character of the former farmhouse and its vicinity.

- 6.64 The wider agricultural land also provides an absence of built form in the wider vicinity of the house, beyond its garden, although the asset cannot coherently be said to have a setting with any notable degree of tranquillity due to the presence of the dense modern residential complex to the north and west, and other residential to the south, as well as the access road to the depot to the east.

*The Contribution of the Appeal Site to the significance of the Asset*

- 6.65 As stated above, the setting of the asset has already undergone an obvious and large degree of change, with modern residential development on two sides. This has not just screened the wider landscape from the asset, but fundamentally changed the character of the complex. The farmhouse is now part of a distinctly residential area.
- 6.66 The land within the site is considered to make a minor contribution to the heritage significance of Pump Farmhouse as part of its historic agricultural surrounds which are visible from the farmhouse, particularly looking north-east, where there is a notable absence of built form. However, this area had various land uses historically, and was not part of the documented historic landholding of the farmhouse. Conversely, the historically associated land is largely screened from the farmhouse by modern residential development. The orchard now visible from the farmhouse is also of modern commercial character.
- 6.67 Furthermore, the functional link between the farmhouse and wider land is now completely severed. The farmhouse no longer operates as an agricultural building and the associated farm buildings have mostly been replaced with large modern residences. The former agricultural connection is merely indicated by the name of the asset, only.

*The Impact of the Proposed Development*

- 6.68 The proposed development can be achieved in a way that is sensitive to the heritage significance of Pump Farmhouse, as demonstrated by the illustrative masterplan, which has minimised the harm whilst still delivering development. This shows a buffer of open space between the former farmhouse and built form

to the north-east. An area of orchard will be included as a buffer around the current residential complex, to maintain the character of the immediate surrounds.

- 6.69 The proposed development would result in the construction of modern built form in the wider surrounds of Pump Farmhouse. The character of the wider land will be altered from orchard planting to residential and commercial. This is likely to be visible in views north-east from the asset, behind the open space and intervening appropriate planting. This will ensure views are partially screened, but that a sense of openness is retained to the east. The parameters plan shows a setback of over 50m between the side elevation of the building and the area of proposed residential development, beyond the open space and green infrastructure. There is anticipated to be little reduction in tranquillity, due to the current residential development and access road in proximity to the farmhouse.
- 6.70 Overall, the proposed development would result in less than substantial harm at the low end of the spectrum to the Grade II Listed Pump Farmhouse, through changes in setting.

Consultee Comments

- 6.71 Historic England and the Conservation Officer assessed some level of less than substantial harm to the heritage significance of Pump Farmhouse through setting, but notably did not articulate where on the scale of less than substantial harm it would lie. This appears to be on the basis of the site being part of the surrounding agricultural land. Historic England stated that the site:

*"...forms the setting of isolated listed buildings including the grade II Pump Farmhouse."*

- 6.72 With regards to this, Pump Farmhouse clearly does not have an isolated setting, with the farmyard and immediate vicinity having been redeveloped for a modern housing complex of 24 dwellings. These lie far closer than the edge of the parameters area for residential development proposed in the current scheme, with the closest existing modern dwelling lying 15m from the Listed farmhouse.



6.73 The Conservation Officer stating that:

*"we have concerns over the indicated locations for adjacent development which is likely to encroach upon and interrupt its existing and important historic rural setting"*

6.74 Although the response was clear that a buffer was needed, no in principle objection was stated to development in the vicinity of the farmhouse, with the officer stating:

*"Any development adjacent to Pump Farm (particularly to the north of the farmhouse) will need to respect its setting."*

6.75 The proposed development has done this in a way that is proportionate to the significance derived from views to the site from the asset. Development will be set back behind public open space, but it must be recognised that the setting of the asset has changed greatly, and that the farmhouse no longer has a functional connection with the wider agricultural landscape.

6.76 The Conservation Officer has also raised the possibility of additional traffic on Pump Lane and junctions on Pump Lane harming the heritage significance of the asset through setting.

6.77 With regard to this, it should be noted that it is not proposed to upgrade Pump Lane as an access route into the proposed development, with access provided by other routes coming off Lower Rainham Road. Also, where this new route crosses Pump Lane, it will be sensitively achieved, surrounded by orchard planting.

6.78 Furthermore, the farmhouse is set back from Pump Lane, and has little intervisibility with either the stretch immediately adjacent to it or the wider lane.

### **Chapel House**

#### **Background**

6.79 The Grade II Listed Chapel House lies immediately adjacent to the northern extent of the site (NHLE ref. 1259635). The house was originally constructed during the mid-late 15<sup>th</sup> century. It has a timber frame with rendered rear and weatherboarded left-hand end, with a half hipped tiled roof and left-hand hipped

cross range. It was altered during the early-mid 16<sup>th</sup> century and the early 20<sup>th</sup> century. Chapel House now comprises two residences (Plate 18).



*Plate 18 Chapel House, view south-west*

- 6.80 The asset is located within an associated garden plot which comprises a garden area with mature vegetation and a garage to the rear. Its main eastern façade fronts directly onto Pump Lane.
- 6.81 The curtilage plots are expanded from the garden areas that were historically adjacent to the dwellings, which were smaller, as illustrated on the Tithe Map (Plate 19). This, and the accompanying apportionment, also shows that a yard and barn was present to the south-west, which has since been demolished.



*Plate 19 Extract from the Rainham Tithe Map of 1838*



*Plate 20 Extract from a modern aerial photograph*

6.82 As can be seen from the above, the gardens have shifted from to the south-west, to the north-east, and further to the north-west.

6.83 The earliest map to clearly depict the landholding of The Chapel House is the Plan of Rainham parish of 1838. Chapel House comprised *Cottage, Barn and Yard* which was surrounded by a garden and orchards (Plate 21). Some of the land associated with Chapel House was located within the site, then used for arable and orchard, and therefore there was a historical, functional association between the two. This association has since been severed and there is now no functional association between the site and the asset.

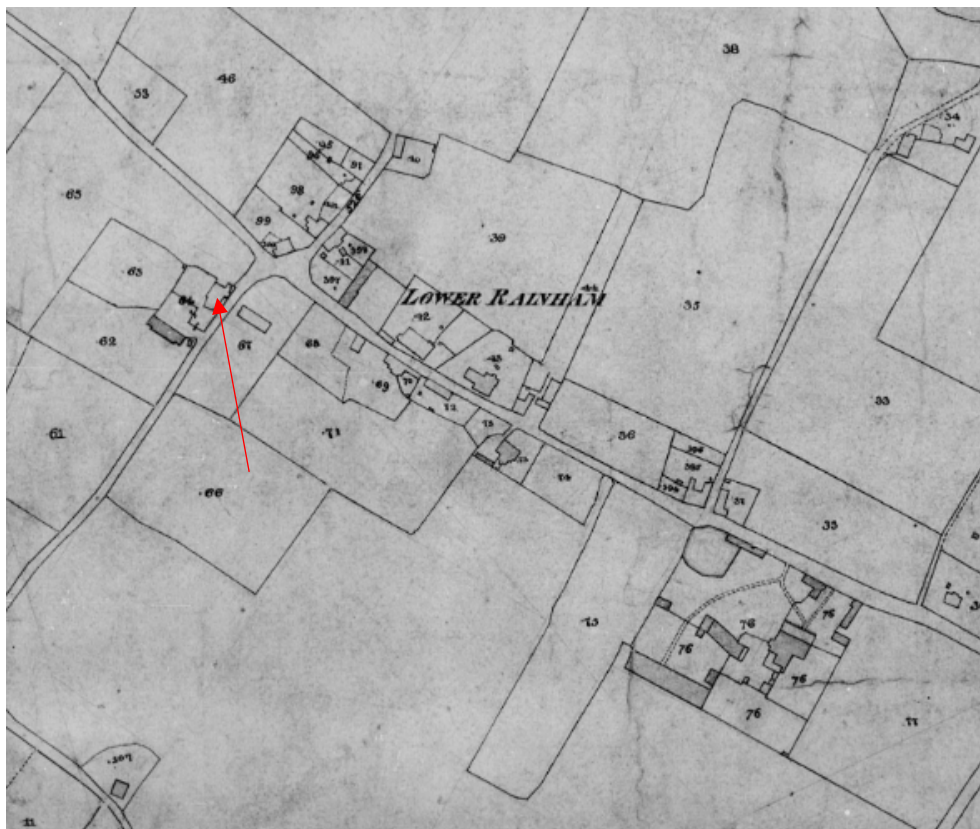


*Plate 21: Extract from the parish map of Rainham showing the land associated with Chapel House (green shading) which was predominantly located within the site*

6.84 The asset is best appreciated from Pump Lane where its main façade can be experienced, and which it was clearly sited and designed to face onto. The road

junction to the east of the asset has clearly been widened, as has Lower Rainham Road. Other than from the modern residences immediately to the south, this obviously principal façade of the asset cannot be appreciated from elsewhere.

- 6.85 The Chapel House also appears to have been sited to be part of the Lower Rainham settlement, being in relatively close proximity to the Lower Rainham settlement area, as shown on the earliest maps (Plate 22). Modern residences, which were constructed in the 1960s, lie immediately to the south-east of the asset.



*Plate 22 Extract from the Rainham Tithe Map, showing the location of The Chapel House in relation to the settlement at Lower Rainham in 1838*

- 6.86 The rear of the asset has some partially-screened intervisibility with the site (Plate 23).



*Plate 23 View south-east towards the rear of Chapel House from within the site*

6.87 Filtered views of the site are co-visible with the asset from Lower Rainham Road, and the absence of built form within the site is perceptible. From Pump Lane, co-visibility is largely screened by vegetation (Plate 24), although there are a couple of glimpsed, narrow aspect views from the immediate vicinity of Chapel House towards the site beyond the garden areas (Plate 25).



*Plate 24: Looking south-east along Pump Lane to Chapel House*



*Plate 25: Looking north-west from adjacent to the Chapel House*

Significance

- 6.88 As a Grade II Listed Building, Chapel House is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.
- 6.89 The heritage significance of the asset is primarily derived from its built form, which has architectural, artistic and historic illustrative values as an example of a 15<sup>th</sup>-century dwelling which has subsequently been converted into two residences.

Significance Derived from Setting

- 6.90 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its fabric.
- 6.91 With regards to the Council's assertion of intangible qualities of setting, as two residences together adjacent to modern residences and immediately fronting onto one road and close to another, the asset is not considered to disclose any significant degree of tranquillity.
- 6.92 The elements of the asset's setting that makes the greatest contribution to its heritage significance comprise:
- The associated curtilage plots, from where the architectural interest of the asset can be appreciated;
  - Pump Lane, which the asset faces onto and from where the architectural interest of the asset is best appreciated;
  - The location of the asset as part of the settlement at Lower Rainham, which has historic illustrative interest;
  - The immediately adjacent agricultural land which is considered to be part of the historic agricultural surrounds with which it has partial intervisibility and part of which was the asset's historic landholding, albeit the functional association with the wider area has ceased. This has some historic illustrative interest.

The Contribution of the Appeal Site to the significance of the Asset

- 6.93 As part of the historic rural surrounds of the Chapel House with which it has some intervisibility and as an area which was part of the historic landholding of the



asset (with this link now severed), the land within the site is considered to make a minor contribution to the heritage significance of the asset.

- 6.94 The contribution is minor as the functional association has ceased, the site has only partially screened intervisibility with the rear of the asset and is only co-visible from a couple of locations, and the character of the site has changed from arable and orchard to modern commercial orchard.

#### The Impact of the Proposed Development

- 6.95 The built form of the proposed development has been sited to give a significant buffer of orchard in the vicinity of The Chapel House. This will retain a sense of undeveloped land beyond the current curtilage of the dwellings.
- 6.96 Residential development would take place further to the west and north-west of Chapel House, including a care home to the west. The character of the land, including some of the historically associated landholding will be altered from modern commercial orchard to residential, which would reduce the contribution of this area through historic illustrative interest and there may be a modest increase in perceived activity levels in the wider vicinity, from the rear. However, there would be a generous set back of built form from the asset, which would incorporate historically appropriate orchard planting on the vicinity of the asset. Some views from the asset and its surrounds would change, and built form would be perceptible beyond the buffer in views from Lower Rainham Road and Pump Road. The development is likely to be most visible from the two dormer windows on the rear roof of The Chapel House, with views at lower levels largely screened by vegetation in the garden and within the proposed development.
- 6.97 The buffer is considered to be proportionate to the significance the asset derives from its setting, and the buffer has sought to minimise the harm.
- 6.98 Overall, the proposed development would result in less than substantial harm at the low end of the spectrum to the heritage significance of the Grade II Listed Chapel House, through changes in setting.

#### Consultee Comments

- 6.99 Historic England identified harm as occurring to the heritage significance of the asset through increased vehicular movements during the construction phase at the adjacent road junction. As discussed above, the proposed development does

not utilise Pump Lane as a main access, but rather access will be gained to the body of the site through a new junction off Lower Rainham Road.

6.100 The Conservation Officer expressed concerns about development immediately to the rear of The Chapel House:

*"which is likely to encroach upon and interrupt their existing and important historic rural setting"*

6.101 It should be noted that the buffer between The Chapel House and built form has been increased since the Conservation Officer made these comment.

6.102 It is considered that some harm would occur to the heritage significance of this asset, but in light of the minor contribution made to the heritage significance of asset through the orchard land in the vicinity of the asset, and the buffer of orchard included in the proposed development, the harm is considered to be less than substantial, and at the low end of the spectrum.

#### **497-501 Lower Rainham Road**

##### *Background*

6.103 The Grade II Listed 497, 499 and 501 Lower Rainham Road lies c. 75m north of the site (NHLE ref. 1259732). This range of three houses were constructed during the late 15<sup>th</sup> century out of timber framing originally as a single dwelling which was remodelled during the 17<sup>th</sup> century. The house was later used as a shop before being converted to three dwellings (Plate 26).



*Plate 26: Looking north to 497, 499 and 501 Lower Rainham Road*

- 6.104 The asset fronts onto Lower Rainham Road to the south-west, with associated garden plots to the rear (north-east). Existing residential development lies to the south-east, south-west and north-west of the asset.
- 6.105 The earliest map to clearly depict the building is the Plan of Rainham parish of 1838. There is no historic functional association between the land within the site and the asset recorded on this source.
- 6.106 The asset is best appreciated from its associated plots and from Lower Rainham Road, where the main façade can be experienced. There is no intervisibility between the land within the site and 497-501 Lower Rainham Road and the two are not co-visible.

#### Significance

- 6.107 As a Grade II Listed Building, 497-501 Lower Rainham Road is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.

6.108 The heritage significance of the asset is primarily derived from its built form, which has architectural, artistic and historic illustrative values as a 15<sup>th</sup>-century dwelling which was later remodelled and converted into three dwellings.

*Significance Derived from Setting*

6.109 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its fabric. The asset was listed for its architectural and historic interest, with the Listing description noting the 15<sup>th</sup>-century origins of the structure and noting architectural details of the exterior and interior of the structure. The setting of the asset is of no particular significance, having undergone significant changes as the settlement surrounding it has grown.

6.110 The setting of the asset, which is sited on the main road through Lower Rainham, is not considered to disclose any significant degree of tranquillity.

6.111 The elements of the asset's setting that makes the greatest contribution to its heritage significance are its associated plots and Lower Rainham Road, from where the architectural interest of the asset can be appreciated, and the settlement of Lower Rainham, which has historic illustrative interest.

*The Contribution of the Appeal Site to the significance of the Asset*

6.112 There is no documented historical functional association between the land within the site and heritage asset. Furthermore, there is no intervisibility or co-visibility of the site and heritage asset. The site is not considered to contribute towards the heritage significance of the asset through setting.

*The Impact of the Proposed Development*

6.113 The proposed development would result in the construction of modern built form to the south of the asset, beyond existing residential development. The character of the land will be altered from modern orchard planting to residential. There is no historical functional association between some of the land within the site and the heritage asset and no intervisibility. The proposed development would not be readily experienced in conjunction with the asset.

6.114 The proposed development would result in no harm to the heritage significance of the Grade II Listed 497-501 Lower Rainham Road through changes to setting.

Consultee Comments

- 6.115 With regards to consultee comments, no specific assessment of harm is given to justify the identification of harm to this asset in the reason for refusal by either the Conservation Officer or Historic England.
- 6.116 It is now agreed common ground that no harm would occur to the heritage significance of this asset.

**The Old House**

Background

- 6.117 The Grade II Listed, The Old House lies c. 50m north of the site (NHLE ref. 1267776). The dwelling was constructed during the 15<sup>th</sup> century out of a timber frame with plaster infill, limestone rubble and brick, with a brick ridge stack and a tiled hipped roof with right-hand cross wing (Plate 27). The house underwent alterations during the late 16<sup>th</sup> century.



*Plate 27: Looking east to The Old House*

6.118 The asset is located within an associated garden plot with a garage, situated to the north-east of Lower Rainham Road. Residential development and restaurants lie to the south-east, south-west and north-west, with agricultural land beyond the garden to the north-east.

6.119 The earliest map to clearly depict the building is the Plan of Rainham parish of 1838. There is no historic functional association between the land within the site and the asset documented on this source.

6.120 The asset is best appreciated from its associated plot and from Lower Rainham Road, from where the main façade can be experienced. There is no intervisibility between the land within the site and The Old House and the two are not co-visible.

#### Significance

6.121 As a Grade II Listed Building, The Old House is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.

6.122 The heritage significance of the asset is primarily derived from its built form, which has architectural, artistic and historic illustrative values as a 15<sup>th</sup>-century dwelling which underwent later alterations.

#### Significance Derived from Setting

6.123 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its fabric. Again, the setting has undergone changes as the settlement the asset is sited within has grown.

6.124 The setting of the asset, which is sited on the main road through Lower Rainham, is not considered to have a high degree of tranquillity.

6.125 The elements of the asset's setting that makes the greatest contribution to its heritage significance are its associated plot and Lower Rainham Road, from where the architectural interest of the asset can be appreciated, and the settlement at Lower Rainham, which has historic illustrative interest.

#### The Contribution of the Appeal Site to the significance of the Asset

6.126 There is no historic functional association between the land within the site and the asset. There is also no intervisibility or co-visibility between the site and the

asset. The land within the site is not considered to contribute towards the heritage significance of the asset through setting.

*The Impact of the Proposed Development*

6.127 The proposed development would result in the construction of modern built form to the south of the asset, beyond existing residential development. The character of the land will be altered from modern orchard planting to residential. There is no historical functional association between the land within the site and the heritage asset, and no intervisibility. The proposed development would result in no harm to the heritage significance of the Grade II Listed Old House through changes in setting.

*Consultee Comments*

6.128 With regards to consultee comments, no specific assessment of harm is given to justify the identification of harm in the reason for refusal to this asset by either the Conservation Officer or Historic England.

6.129 It is now agreed common ground that no harm would occur to the heritage significance of this asset.

**Bloors Place**

*Background*

6.130 The Grade II\* Listed Bloors Place lies c. 60m north of the site (NHLE ref. 1267763). The two-storey-and-attic house was originally constructed as a Hall House in 1470-1510 for Christopher Bloor. It has a timber frame and is clad in red brick to the ground floor and tile hung above. It has a rear wing which dates to the early 16<sup>th</sup> century which was truncated and rebuilt during the late 17<sup>th</sup> century, which was partially destroyed by fire during the 18<sup>th</sup> century. It is thought that the hall has an original tall, octagonal stack with a crenelated cap to the rear wing extension. Bloors Place forms a group with the Grade II Listed range of outbuildings and garden walls assessed below.

6.131 Bloors Place is located within a large immediate curtilage which also contains the associated Grade II Listed Walls and gardens. Wider grounds to the south-west and south-east of the asset comprise orchard.

6.132 Recent sales particulars<sup>14</sup> for the house clearly describe the enclosed nature of the gardens:

*"The Lady Garden:*

*A delightful walled, lawned garden with an abundance of mature flowers, shrubs and trees, most notably an Acacia tree reputed to be the oldest of its kind in Kent, a particular feature of the boundary walls are the rarely found original arrow slits, a gate leads to the kitchen garden, an arch leads to;*

*The Vegetable Garden:*

*A large walled area formerly used as a productive vegetable garden, variety of fruit trees.*

*The Kitchen Garden:*

*An enclosed lawned garden with two storage sheds and gated access to the garage area. Total plot extends to 1.63 acres."*

6.133 Hence the gardens appear very well enclosed, with pleasure gardens immediately adjacent to the house enclosed by high walls, and further produce gardens beyond also enclosed by further high walls (currently understood to be overgrown).

6.134 The former Bloors Place complex is now divided into multiple residential units, and divided in ownership from much of its former landholding. The formerly associated Wagon Lodge has been converted to a large residence, with separate curtilage (including the other Listed outbuildings) and access. The former Oast House to the south has also been converted to a separate residence. In addition, a large fruit storage/machinery building lies to the south of the oast, and a roofing company operates from the complex, from the former dairy and a yard at the southern edge of the complex.

6.135 Bloors Place and its associated landholding are depicted on the Plan of the parish of Rainham of 1838. The map shows *Bloors Place Homestead* as a main dwelling which was surrounded to the north, south and west by associated outbuildings and agricultural land/orchard to the wider surrounds. The landholding associated

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<sup>14</sup>

<https://www.mouseprice.com/property-for-sale/ref-12106342/bloors+place+542+lower+rainham+road+gillingham+me8+>, Appendix 2



with Bloors Place was vast and included land in the eastern extent of the site (Plate 28). This appears to have been a dispersed landholding, rather than a consolidated area centred on the house. This included arable, orchard, nursery, meadow, woodland and saltmarsh. This is in line with the nature of the outbuildings, which include a granary, cattle sheds and oasts, suggesting a mixed farming base, not just a farm cultivating fruit.

6.136 The Tithe map also records that the house had an associated wharf to the north, recorded on the apportionment as Key House Wharf. This was clearly part of the economic base of the complex.



*Plate 28: The Landholding associated with Bloors Place*

6.137 It was ascertained during the site visit that there is virtually no intervisibility between Bloors Place and the site in the summer due to intervening mature vegetation. Strong lines of vegetation are present in the vicinity of the asset, beyond its immediate curtilage, and to the south west, beyond orchard (Plates 29-30).



*Plate 29: Looking south to vegetation to the south-west of Bloors Place*

6.138 Only one glimpse of chimneys of Bloors Place is visible from within the site in the summer (Plate 30).



*Plate 30: Looking north to the chimney of Bloors Place from within the site*

6.139 Visibility of the asset from beyond its curtilage and associated orchard is greater in the winter months, as some of the boundary vegetation is deciduous (Plates 31 and 32).



*Plate 31 Looking north from within the site to the chimneys of Bloor Place*



*Plate 32 Looking north-east to Bloor Place, through the beech hedge and beyond intervening orchard and garden from the edge of the site*

- 6.140 As such, the rear of the house is anticipated to have heavily filtered reciprocal views to the area of modern commercial orchard to the south-west of the asset within the site (beyond intervening orchard beyond the site, and its own garden area).
- 6.141 Long-range views further south-west, and views west and north-west are screened in both summer and winter by coniferous vegetation flanking the footpath across the site, and dense screening vegetation on the property boundary of the asset to its west.
- 6.142 The house is accessed from the driveway to the north-east. The now-converted Wagon House complex and The Dairy have their own access, as does The Oasts to the south, which has an access from Lower Bloor lane, which runs to the south of the gardens of Bloors Place.

Significance

- 6.143 As a Grade II\* Listed Building, Bloors Place is a designated heritage asset of the highest level of significance, as defined by the NPPF.
- 6.144 The heritage significance of the asset is primarily derived from its built form, which has architectural, artistic and historic illustrative values as a former Hall House constructed during the 13<sup>th</sup> to 14<sup>th</sup> centuries.

Contribution of Setting

- 6.145 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its fabric. The building has historic interest as a much altered dwelling with origins in the 15<sup>th</sup> century, with notable events (such as a fire in the 18<sup>th</sup>-century), changes of use (from hall to farmhouse), and connections to named individuals (Christopher Bloor). Its architectural interest is clearly evident, with the Listing description particularly noting it as a rare example of a hall with original rear stack. As its form and function has changed, so too has its setting, and its altered surrounds make a far lesser contribution to its significance than the fabric of the building which retains significant historic and architectural interest.
- 6.146 It should also be noted that whilst the immediate surrounds contribute to the asset through setting, the configuration of these with high walls enclosing the spaces around the house, limits greatly wider views out to the wider area from

ground level, and further reduces the contribution that the wider area makes through setting.

6.147 Whilst the walled gardens are likely to give some sense of tranquillity to the immediate surrounds of the building, the wider vicinity does not have any significant degree of tranquillity, with outbuildings converted to residences and commercial uses.

6.148 The functional connection between Bloors Place and the wider former landholding has been severed. This severance is legible from the complex itself; illustrated by the converted outbuildings no longer retaining their original functions.

6.149 The elements of the asset's setting that makes the greatest contribution to its heritage significance are:

- Its immediate curtilage including outbuildings and structures which give legibility to the historic use of the complex for mixed farming (historic illustrative interest).
- The gardens and enclosing Listed walls, which give a very enclosed character to the rear (south-western) immediate curtilage (historic illustrative interest).
- The settlement of Lower Rainham, which it was sited to be part of, or which grew up in its vicinity, through historic illustrative interest.
- Some parts of the wider historic landholding, as documented on the Tithe Map, specifically those areas of wider orchard still in common ownership, which the house has intervisibility with (historic illustrative interest).
- Some parts of the wider, historically but not currently associated landholding, with which the asset has some filtered intervisibility in the winter months (historic illustrative interest).

*The Contribution of the Appeal Site to the significance of the Asset*

6.150 As detailed above, the wider dispersed landholding as detailed on the Tithe Map includes parts of the site, and the house has some intervisibility with some of these areas in the winter. However, these views lie beyond the enclosed gardens of at the rear of the house, and beyond further areas of orchard.

- 6.151 The house no longer has a functional association with the land within the site, as evidenced by the conversion of its outbuildings and the division of the complex, and the character of the site has changed to commercial orchard.
- 6.152 The land within the site is considered to make a very minor contribution to the heritage significance of Bloors Place, through setting.

*The Impact of the Proposed Development*

- 6.153 The proposed development would result in the construction of built form to the south of the asset, beyond the gardens of the asset and associated orchard within its landholding or that of The Oast House, as well as vegetation which bounds the current Bloor Place landholding. A further set back of built form is anticipated within the proposed development, containing additional planting supplementing that on the boundaries of the Bloor Place landholding.
- 6.154 Some, limited, views of development are anticipated in the winter months from the rear and perhaps from the eastern elevation of Bloor Place. Some increased activity will intermittently be visible from the distant rear of the property. However, these will be set back from the house beyond gardens, kitchen gardens, enclosing walls and orchard, and heavily screened.
- 6.155 The presence of the high kitchen garden enclosed by the Listed garden wall to the south-west of the asset clearly demonstrates that the curtilage of the asset was not arranged to facilitate views in this direction. Its immediate curtilage could reasonably be described as secluded, and the proposed development will not change this.
- 6.156 Furthermore, even where views are possible from higher apertures of the asset over this wall, these will be firstly to a field of orchard, before screening vegetation and open space which will lie between the asset and proposed development. Following development, the phase of the asset when it had an associated farming base will remain legible in the complex through the presence of historic outbuildings, and the surrounding orchard with the currently associated landholding.
- 6.157 As such, the proposed development is anticipated to result in very minor harm to the heritage significance of the Grade II\* Listed Bloors Place, through changes to

setting. This would comprise less than substantial harm at the lowermost end of the spectrum.

### ***Range of outbuildings and garden walls at Bloors Place***

#### *Background*

6.158 The Grade II Listed Range of outbuildings including cartlodge and granary west of Bloors Place lie c. 65m north of the site (NHLE ref. 1267769) and the Grade II Listed garden walls to south and east of Bloors Place lie c. 25m north of the site (NHLE ref. 1267767). The cart shed and granary (with an adjoining cattle shed converted to a coach house) most likely date to the 18<sup>th</sup> century with late 19<sup>th</sup>-century alterations to the cattle shed. They were constructed out of red brick in various bonds and partly weatherboarded timber-frame with tiled roofs. The garden walls were constructed out of English bond brick and limestone rubble with dressings during the mid-17<sup>th</sup> century. The brick walls have plinth and angled brick beneath a weathered brick coping and the stone walls have a moulded stone four-centre arched doorway. The garden walls enclose the eastern garden and the southern kitchen garden.

6.159 As stated above, the outbuildings at Bloors Place are depicted on the plan of the parish of Rainham of 1838 and were part of the historic landholding associated with Bloors Place.

6.160 The outbuildings have been converted to separate residences, with their own curtilages.

6.161 It was noted during the site visit that there is no intervisibility in the summer between the land within the site and the outbuildings and garden wall at Bloors Place. There is heavily screened visibility of the garden walls from within the site, but, of course, no reciprocal views from within the gardens.

6.162 The curtilages of the converted Oast House and roofing company lie between the site and the assets.

#### *Significance*

6.163 As Grade II Listed Buildings, the outbuildings and garden walls at Bloors Place are designated heritage assets of less than the highest level of significance, as defined by the NPPF.

6.164 The heritage significance of the assets is primarily derived from their built form, which has architectural, artistic and historic illustrative interests as examples of an 18<sup>th</sup>-century outbuildings, now converted to residences, and a 17<sup>th</sup>-century wall.

*Significance Derived from Setting*

6.165 Setting also contributes to the heritage significance of the asset, but to a lesser degree than its fabric.

6.166 The element of the assets' setting that makes the greatest contribution to its heritage significance is Bloors Place itself. This has historic illustrative value in that its presence enables the origin of the formerly functionally associated outbuildings to be understood. Their immediate surrounds, comprising the grounds of the residences and the gardens of Bloor Place, from where each asset can be appreciated, also contribute to the significance of the assets through setting (architectural interest).

*The Contribution of the Appeal Site to the significance of the Asset*

6.167 The land within the site is not considered to contribute to the heritage significance of the range outbuildings and garden walls at Bloors Place, having little intervisibility with them, and not allowing an appreciation or understanding of the structures. The land of the site is separated from the assets by the curtilage of The Oast House, the roofing company premises and orchard (beyond the site).

*The Impact of the Proposed Development*

6.168 The proposed development would result in the construction of modern built form to the south of the assets, beyond intervening mature vegetation. The character of the land will be altered from commercial orchard planting to residential. There is little intervisibility between land within the site and the walls and none with the outbuildings. The proposed development would result in no harm to the heritage significance of the Grade II Listed Range of outbuildings including cartlodge and granary west of Bloors Place and the Grade II Listed garden walls to south and east of Bloors Place.



Consultee Comments with regards to Assets at Bloors Place

6.169 Historic England have identified harm to Bloors Place, stating:

*"Like the conservation area it lies within, its relationship to surrounding fields and its rural setting are important to understand its historic use as a farmhouse and its origins as a rural dwelling."*

6.170 They go on to state that:

*"A sense of the rural setting afforded to both conservation areas and to buildings like Bloor Place is still appreciable from surrounding roads and pathways and from the train which passes directly to the south of the site and provides elevated views of the site and designated heritage on its periphery. Introducing a large amount of new development would fundamentally alter the historic character of the area. Such new development would inevitably have a presence in a number of views, and change would also be appreciable in increased vehicular movements, noise and light pollution. An understanding of the historic functional relationships between the historic."*

6.171 As discussed above, Bloors Place has only very limited intervisibility with land beyond its current landholding, no co-visibility has been identified from Lower Rainham Road, and only glimpsed intervisibility from Lower Bloor Lane in the Winter months. No visibility of Bloor Place could be achieved when travelling by train on the line to the south. There is some limited visibility of Bloors Place from within the site in winter and this has been taken into account in the assessment above.

6.172 The Conservation Officer again considers that the site is part of the rural setting of the asset. The former historic association of the site and Bloor Place as well as the winter limited intervisibility is recognised, and has been taken into account in the above assessment.

6.173 No specific assessment of the outbuildings or walls is given in the consultation responses.

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### **The Oast House**

- 6.174 Following receipt of common ground, it is understood that the Council has expanded their case to include The Oast House as a non-designated heritage asset. This could be considered a non-designated heritage asset, and its setting is considered below.
- 6.175 The Oast House was constructed in the very late 19<sup>th</sup> century, being depicted on a map of 1896, but not a map of 1895. It has since been converted to a residence, and permission has recently been granted for its further expansion with the addition of a garden room.
- 6.176 Its significance is modest, and also very largely embodied in its fabric. Setting makes a considerably lesser contribution to its heritage significance, with this also largely confined to the immediate vicinity of the asset from which its architectural and historic illustrative interests can be appreciated, and the surviving buildings of the complex it was part of.
- 6.177 The wider setting of the asset has experienced change since its construction, with the division of the Bloors Place complex, with the outbuildings of the complex converted for residences and commercial uses, and the residential conversion of the asset itself notably severing its functional link with the surrounds. It is noted also that no hops are now grown in the vicinity of the asset.
- 6.178 There are some views to the asset across the site from Lower Bloor Lane, across an open area of land largely used for stacking pallets and vehicle movements, and from the bridleway to the south, although these views are filtered through boundary vegetation. As such, the site makes a modest contribution, at best, to the heritage significance of the asset through setting.
- 6.179 The proposed development has the potential to block some views of the asset, albeit across land of a changed modern orchard character, but also the potential to open up new views to it from publicly accessible areas. The immediate setting of the asset, of its curtilage Any resulting harm to the heritage significance of the asset would be very minor, at most.

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### **Other Assets identified by the Council**

- 6.180 Two other elements are considered by the council to be non-designated heritage assets: Pump Lane and the bridleway.
- 6.181 I do not consider that these elements have intrinsic heritage interest that would warrant their consideration as heritage assets. They possess no features which give them legible historic interest or time depth above any other such elements which area very common in the landscape. With regards to Pump Lane, for part of its route it is a single road flanked by hedges, but appreciable lengths of it are fronted onto by domestic curtilages with modern character and boundary treatments, and the expanded entrance to the depot north-west of Pump Farmhouse has a modern character with a large visibility splay flanked by modern brick walls, adjacent to the entrance to the curtilage of Pump Farmhouse, which likewise has a modern character. The bridleway appears to have once been a track, but now has modern fixtures to prevent vehicular access.

### **Lower Twydall Conservation Area**

#### *Background*

- 6.182 The Lower Twydall Conservation Area lies immediately adjacent to the western extent of the site. The Conservation Area covers the historic core of the hamlet and includes five Grade II Listed Buildings. The Conservation Area was designated by Medway Council in August 2014.
- 6.183 No Conservation Area Appraisal has been prepared for the designated area.
- 6.184 As stated above, the Appeal Site lies outside of the Conservation Area. Only the western extent of the Appeal Site abuts the current boundary of the Conservation Area.
- 6.185 Lower Twydall was historically part of the parish of Gillingham and comprises a small hamlet. Twydall was one of the medieval manors of Gillingham which was first mentioned during the early 12<sup>th</sup> century.
- 6.186 By the 19<sup>th</sup> century Twydall lost its significance as a manor and the estate became centred on Twydall, Little London, York, Woodlands and Darland Farms. The Tithe Map shows three farm complexes and a couple of cottages as being present within

the settlement at Lower Twydall. The railway was constructed immediately to the south of the hamlet in the 1950s.

6.187 During the 20<sup>th</sup> century the estate was mainly given over to housing. Lower Twydall has continued into the 21<sup>st</sup> century as a small hamlet consisting of farmhouses, cottages and farm buildings located along Lower Twydall Lane.

6.188 The Lower Twydall settlement was little expanded in the earlier 20<sup>th</sup>-century, apart from the construction of additional farm buildings, but the settlement was greatly changed in the later 20<sup>th</sup> and early 21<sup>st</sup> century through the residential conversion or rebuilding of several of the farm structures. This has included:

- York Farm – the subdivision of the farmhouse into three units, the residential conversion of outbuildings and the construction of new build residences.
- Little London – the conversion of the barn to a large detached residence, and expansion of the domestic curtilage of the former farmhouse (now a residence).
- Tweedole/Twydall/Manor Farm – the conversion of the outbuildings to at least four residences and the construction of an ancillary structure.



*Plate 33 Lower Twydall, showing converted buildings and residential curtilages*

- 6.189 A cul-de-sac of approximately 12 large new-build residences has also been constructed at Little York Meadows, and some additional dwellings have been constructed facing onto Lower Twydall Lane.
- 6.190 No working agricultural complexes appear to form part of the settlement.
- 6.191 The former linear form of the settlement has been changed through the addition of the cul-de-sac and redevelopment of former farm buildings.
- 6.192 The wholly residential character of the settlement means that the buildings are not surrounded by working farmyards, but their immediate vicinity comprises domestic curtilages and gardens, with associated paraphernalia. On the eastern side of Lower Twydall Lane, the domestic curtilages are continuous.
- 6.193 This has greatly affected the relationship of the buildings to the wider surrounds. There is a lack of paths and tracks out from the settlement to the wider landscape. The property boundaries are largely strongly vegetated.
- 6.194 The character and appearance of the Conservation Area is clearly primarily derived from its linear historic development pattern along Lower Twydall Lane and the historic buildings on either side of the road. The Conservation Area has been reasonably tightly drawn to include the historic core of the settlement. It is best experienced from Lower Twydall Lane.
- 6.195 In terms of overall setting, the surrounds of the Conservation Area comprise a mix of agricultural land, woodland and modern settlement, with the latter divided from the hamlet by the railway. However, it should be noted that curtilage plots now surround many of the historic buildings, including residentially converted or rebuilt former farm buildings, forming a buffer between the historic core and the wider agricultural land, particularly on the eastern side; these areas often largely screening intervisibility with the wider area by boundary planting.
- 6.196 There are views west from Lower Twydall Lane within the Conservation Area to agricultural land, and glimpses into fields on the approach from Lower Twydall Lane to the north.
- 6.197 There is minimal visibility between the land within the site and the Conservation Area due to intervening mature vegetation at the rear of curtilage plots.

6.198 It should also be noted that the area between Lower Twydall and Pump Lane has changed in character over the period of time it has been mapped. Early mapping shows that whilst there was orchard in the immediate vicinity of the settlement, much of the land between Pump Lane and Lower Twydall was not historically orchard, and, of course, no areas were modern commercial orchard as is present today.

*Significance*

6.199 Lower Twydall Conservation Area is considered to be a designated heritage asset of less than the highest level of significance, as defined by the NPPF. Its significance is very largely derived from the character and appearance of the historic street pattern, buildings and spaces within its boundaries.

*Significance derived from Setting*

6.200 Setting makes a far lesser contribution to the significance of the asset. The cessation of functional association with the wider area through the residential conversion of the farm buildings, including through the establishment of a buffer of domestic curtilages means that the contribution that the wider landscape makes to the heritage significance of the Conservation Area is small.

6.201 The main element of the setting of the Conservation Area that contributes to its wider rural surrounds that are perceptible from the historic buildings (historic illustrative interest) and main thoroughfare, including the approach from the north and west from within the Conservation Area (historic illustrative and architectural interest). The legibility of many of the buildings within the settlement as having agricultural origins is contingent on the form of the converted outbuildings rather than the wider landscape.

*The Contribution of the Appeal Site to the significance of the Asset*

6.202 The site is not readily perceptible from the historic buildings of the Conservation Area or the spaces around them. There is some glimpsed intervisibility between the converted outbuildings of York Farm and the large converted barn to the north-east (Plates 34-34). It should be noted that this glimpsed intervisibility is beyond modern curtilage plots and from modern fenestration.



*Plate 34: Looking north to the converted barn north-east of the former York Farm from the edge of the site*



*Plate 35: Looking west to the converted/rebuilt building of York Farm from the edge of the site*

- 6.203 Much of the site is separated from the Conservation Area by intervening agricultural land, and where it lies closest, it is divided from it by a very strong line of vegetation on the boundary of the gardens of the now-subdivided York Farmhouse and the garden plots themselves.
- 6.204 The site is not considered to make any material contribution to the tranquillity of the Conservation Area.
- 6.205 Access between the site and the Conservation Area is not easy. No public footpaths lead from the Conservation Area into the site or other agricultural land to the east of the Conservation Area. Due to this and the lack of clear intervisibility with the historic core, the site is not readily experienced in conjunction with the Conservation Area, which is clearly best appreciated from Lower Twydall Lane.
- 6.206 The site is considered to make a very minor contribution to the heritage significance of Lower Twydall Conservation Area through setting, due to the glimpsed visibility of it from some upper elements of buildings within it and their plots (historic illustrative interest), albeit these are largely of changed character from their historic uses, with the site lying beyond garden plots of modern origin.

*The Impact of the Proposed Development*

- 6.207 The proposed development would result in the construction of modern built form to the east of the asset, beyond existing, mature, intervening vegetation, and beyond a buffer of open space where the site lies closest to the Conservation Area. This would not cause coalescence of developed areas.
- 6.208 The character of the land will be altered from orchard planting to residential, beyond open space. It should be noted that much of the site between Lower Twydall and Pump Lane was not orchard historically, as demonstrated by historic maps.
- 6.209 There is minimal intervisibility between the land within the site and the asset.
- 6.210 Overall, the proposed development would result in very minor harm to the heritage significance of the Lower Twydall Conservation Area, through changes to setting.
- 6.211 This would comprise less than substantial harm, and at the lowermost end of the spectrum.



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Consultee Comments

6.212 Many of the consultee comments relating to the Conservation Areas relate to the location of the site in the agricultural surrounds. As discussed above, Historic England stated:

*"A sense of the rural setting afforded to both conservation areas and to buildings like Bloor Place is still appreciable from surrounding roads and pathways and from the train which passes directly to the south of the site and provides elevated views of the site and designated heritage on its periphery. Introducing a large amount of new development would fundamentally alter the historic character of the area. Such new development would inevitably have a presence in a number of views, and change would also be appreciable in increased vehicular movements, noise and light pollution. An understanding of the historic functional relationships between the historic hamlets and the surrounding land which they were dependent on would also be compromised."*

6.213 As discussed above, the way in which the Conservation Area at Lower Twydall is experienced gives it little relationship with the land of the site. The hamlet is only intelligible through the location of the footbridge over the railway from the train. No access is proposed from Lower Twydall Lane.

6.214 With regards to the wider 'historic landscape' between the settlements, this is discussed further below.

**Lower Rainham Conservation Area**

Background

6.215 A small portion of the Lower Rainham Conservation Area extends into the northern extent of the site. The Conservation Area covers the historic core of the hamlet and includes six Listed Buildings, one of which is Grade II\* Listed and the remainder are Grade II Listed Buildings. No Conservation Area Appraisal has been prepared for the settlement.

6.216 The Conservation Area comprises a mixed collection of residential dwellings, some of which date to the medieval period such as Bloors Place, two public houses and a chapel. Its early origins are legible from its historic buildings, some of which front directly onto the main thoroughfare.

- 6.217 The Conservation Area has been characterised as a traditional Kentish hamlet in its original setting surrounded by orchards and with the river in the vicinity. It appears to have been sited close to the edge of the saltmarsh to take advantage of both the estuarine environment and agricultural land on the solid geology in the vicinity.
- 6.218 Looking at the pattern of landholdings shown by the Tithe Map of the mid 19<sup>th</sup> century, there are very few farm complexes at that time within the settlement, with the agricultural complex at Bloors Place being an exception, and a couple of other only a couple of other barns listed in the apportionment. The settlement largely comprised small landholdings of cottages and gardens, a few with an additional field or two. This is reflected in later mapping too. The main landholding in the area was associated with Bloors Place, with this having a mixed base of arable, orchard, market garden, salt flats, meadow, woodland and wharf, as discussed above. This complex is likely to have employed local labour.
- 6.219 The agricultural buildings of Bloors Place have now largely been converted to residences, including the Wagon House, Granary and Oast. Other agricultural buildings listed on the Tithe Survey have been demolished (a barn to the north of the junction of Lower Rainham Road and Lower Bloors Lane, and at Chapel House).
- 6.220 As such, the historic settlement core had links to the wider landscape, but largely through complexes that are now no longer used for agricultural purposes.
- 6.221 It has been suggested that the agricultural focus of the settlement is indicated by the pub name the *Jolly Gardeners*. This is balanced by the other pub name, *The Three Mariners*.
- 6.222 The agricultural land in the vicinity of the settlement has seen a large degree of change recently, with the expansion of the orchard areas in the 20<sup>th</sup> century and establishment of modern commercial orchard operations. As discussed below, agricultural land in the vicinity is documented to have been mixed historically, rather than being predominantly orchard.
- 6.223 The Conservation Area is commonly experienced from Lower Rainham Road, from where many of the historic buildings and their arrangement within the settlement can be appreciated.

6.224 With regards to views into and out of the Conservation Area, and the general experience of the asset, the south-western side has strongly vegetated boundaries. The exception to this is where newbuild properties south of the Three Mariners have views south into the site (Plate 36).



*Plate 36 Properties within the Conservation Area which have intervisibility with orchard within the site*

6.225 The rears of properties on the northern side of Lower Rainham Road are anticipated to have views to the Medway, and there are views across agricultural land and the Medway beyond from Lower Rainham Road to the north of Bloors Place and east of the Chapel House. There are also views of agricultural land from Lower Rainham Road to the north-east of Bloors Place, looking south-east. As discussed above, there is some seasonal intervisibility between the wider landscape and the rear of Bloors Place and Chapel House.

6.226 There is a large degree of visual separation between the elements of the Conservation Area that have historic interest and the site. Vegetation is present between the core of the historic settlement which largely fronts onto Lower Rainham Road, and the site. Only modern residences have an open outlook in this direction, and these views are constrained by orchard trees and other vegetation within the site.

6.227 As noted above and further discussed below, views in this direction are to agricultural land of the site which has seen a large degree of change in its character. Historically, the farmland would have been of a mix of uses, and the orchard present today has a modern character.

Significance

6.228 Lower Rainham Conservation Area is considered to be a designated heritage asset of the highest significance, as defined by the NPPF. Its significance is largely derived from the character and appearance of the area, from the historic buildings within the area and their relationship with each other.

Significance derived from Setting

6.229 Setting makes a far lesser contribution to the significance of the asset. The main element of the setting of the Conservation Area that contributes to its significance comprises the salt marsh and estuary to the north, as the settlement appears to have been located on the edge of this area to exploit both estuarine areas and agricultural land on solid geology, and is has a stronger visual relationship with this area than the orchard to the south-west

6.230 Agricultural land in the vicinity also makes a contribution, but the historic parts of the Conservation Area do not have a strong visual relationship with the land to the southwest, the character of which has changed over the last century from arable, orchard, and market garden to modern commercial orchard.

6.231 The settlement does not have any notable degree of tranquillity, being located on a reasonably busy thoroughfare.

The Contribution of the Appeal Site to the significance of the Asset

6.232 As discussed above, there is some intervisibility between the site and Chapel House, and limited winter intervisibility between the site and Bloors Place.

6.233 The site is visible from the modern houses south of the Three Mariners, and is also visible on the approach to the Conservation Area from the north-west. The site is not anticipated to be readily visible from the core of the Conservation Area, which it is divided from by strongly vegetated boundaries. The exception to this is the visibility of the site from the modern houses south of the Three Mariners.

6.234 The site is considered to make a very minor contribution to the heritage significance of Lower Rainham Conservation Area through setting, as part of the wider agricultural surrounds experienced from routes through the wider landscape (historic illustrative interest), albeit of changed character and not with strong intervisibility with the historic areas of Lower Rainham.

*The Impact of the Proposed Development*

6.235 The proposed development would result in the construction of modern built form to the south-west of the asset, beyond existing mature intervening vegetation that very largely screens areas of historic settlement from the site. A buffer of land with an open character will be present between the Conservation Area and built form, and there will be no coalescence of settlement, and Lower Rainham will be appreciable as a separate settlement.

6.236 The proposed development will be visible from the modern residences south of the Three Mariners.

6.237 The experience of the Conservation Area from Lower Rainham Road will be very largely unchanged, although some development may be visible on the approach to the Conservation Area from the north-west, albeit with a set back and green infrastructure between, and from routes through the wider landscape.

6.238 The character of the land within the site will be altered from orchard planting to residential, but it should be noted that the character of this area has changed from arable and historic orchard to modern commercial orchard.

6.239 Increased activity may be perceptible from some parts of the Conservation Area, but as discussed above, the settlement does not have any notable current degree of tranquillity.

6.240 The character and appearance of the Conservation Area itself will be preserved. Views out to the Medway and agricultural land to the north and east of the Conservation Area will be retained.

6.241 Overall, the proposed development would result in very minor harm to the heritage significance of the Lower Rainham Conservation Area, through changes to setting. This comprises less than substantial harm at the lowermost end of the spectrum.

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Consultee Comments

6.242 Again, the consultee comments focus on the site being part of the wider rural surrounds of the Conservation Area, and the functional connections with the wider landscape demonstrated by historic agricultural buildings and the names of the pubs. These connections do lend legibility to the historic relationship with the surrounding area, and indeed they make a far greater contribution to such legibility than the wider agricultural land, which is not readily experienced in conjunction with most of the historic core of the Conservation Area, and which does not have a strong relationship with the land to the south-west, either visually (with exceptions noted above) or in terms of how people commonly move through the landscape.

6.243 A further discussion of the historic landscape issues raised is given below.

**The Local Historic Landscape**

6.244 The 'historic landscape' of the site is considered as a non-designated heritage asset in the reason for refusal, and is cited by the consultees in their assessment of how the proposed development is anticipated to cause harm to the heritage significance of the Conservation Areas and assets within them.

6.245 The definition of heritage asset given in the NPPF glossary demonstrates that heritage assets can include landscapes, where they are identified as having a degree of significance meriting consideration in planning decisions, because of their heritage interest. The landscape present within the site is not considered to have such heritage interest.

6.246 No defined area of historic landscape is given in comments by the consultees. The *Northern Horticultural Belt*, as defined by the Kent Historic Landscape Characterisation Project is mentioned, but this covers all land in the vicinity of Sittingbourne and Faversham and itself contains a variety of land uses: horticulture is one 'grouped historic landscape type' for this area, but so are settlement, industry, and a variety of other uses. See Figure 4 for the extent of this area, the land uses within it, and the location of the site within it.

6.247 At a more local level, this study characterises the site as partly *Orchard* and partly 'Small regular with straight boundaries (parliamentary type enclosure)' (Figure 2). Neither of these Characterisation Type Areas are of particular historic

significance (not elevating them above any general landscape type), nor are they rare (See Figure 3 for the distribution of these Character Types across Kent).

6.248 Considering the landscape of the site today, it is almost entirely commercial orchard. However, it has not been used exclusively for orchard throughout its history. The historic buildings present in the vicinity (such as the granary, oast and cattle shed at Bloors Place) attest to a much more mixed farming landscape historically. This is also supported by historic map evidence, as discussed above.

6.249 The expansion of orchard areas is relatively recent (considering Bloor Place's long history) dating to the late 19<sup>th</sup> century onwards. Expansion of orchards at this time is well documented in several parts of the country and was precipitated by better access to urban markets for fruit and jam being facilitated by the railways.

6.250 A quotation is repeated several times in consultation responses and the committee report. This dates from the 18<sup>th</sup> century and is a description by Edward Hasted, who described the land in this locality as:

*"a fertile and kindly land both for corn and fruit, insomuch that this parish has been noted for some of the best wheat that this kingdom has produced and it had till within memory many plantations of cherries and apples."*

6.251 A straight reading of this quotation is that the parish was not at that time largely used for the growing of fruit - 'had til within living memory...'. Rather, the quotation suggests that arable was the primary land use then. This fits with the expansion of orchards in the 19<sup>th</sup> century onwards, as discussed above.

6.252 Even those areas that were orchard historically would have had a very different character to the modern commercial orchard present today, which has regulated closely-planted rows of trees spaced for mechanical tending. This is clearly demonstrated by comparison of cultivation within the site (Plate 37) with a traditional orchard landscape at Stockbury, a few miles away from the site (Plate 38).



*Plate 37 Modern commercial orchard within the site*



*Plate 38 Traditional orchard at Stockbury*



6.253 Furthermore, field patterns have changed to accommodate the commercial orchard, with the removal of field boundaries (Plate 39).



*Plate 39 Extract from the Ordnance Survey map of 1869, showing that much of the site was not under orchard cultivation at this time, and the reorganisation of field boundaries*

6.254 In the Statement of Common Ground, it is apparent that Ms Wedd lists the 'N-S landscape character sequence (river-suburban residential)' as a heritage asset. For the reasons given above, I do not consider this to be a heritage asset. The area of the site has also experienced a significant degree of change, as to mean that the sequence of landscape from riverside to suburban does not have sufficient heritage interest to consider it to be a heritage asset.

6.255 As such, it is not considered that the landscape of the site, or any wider area it might be considered a part of, is a heritage asset. It has experienced a significant degree of change, both in terms of change from a mixed farming use to overwhelmingly orchard use, and the nature of the currently-present orchard is of modern character. Furthermore, the enclosures within the site have undergone significant reorganisation, altering the field pattern.

6.256 It is, of course, true that there are elements of heritage significance – heritage assets – within the landscape. These have been considered above.

- 6.257 In terms of the assets themselves together forming a landscape with the spaces between, including the site, it is not considered that this is the appropriate way to consider matters, for two reasons.
- 6.258 Firstly, as discussed above, the land of the site is not considered to have intrinsic heritage value.
- 6.259 Secondly, setting should not be considered exclusively through reference to maps and aerial photographs, but rather how the assets are actually experienced. This assessment of the experience of the assets has been undertaken above, and conclusions drawn on impact. It is not appropriate to plot assets on maps and count any land lying between them as contributing to their significance. Assessment of setting must be a more nuanced exercise, taking account of the nature of the asset itself, how it is viewed and understood, and if any areas contribute to its heritage interests through setting. Again, the Steer decision is clear on this matter, stating that an area must relate to the *experience* of the asset.
- 6.260 The landscape should, of course, be considered where it contributes to the heritage significance of assets through setting. With regards to this, the guidance is clear that being part of the setting of an asset does not make any particular such area an asset in its own right<sup>15</sup>. To count setting as a separate asset without the area having intrinsic heritage significance would result in the double-counting of impacts.
- 6.261 Ms Wedd considers that the 'historic landscape' should be considered as a non-designated heritage asset under paragraph 197 of the NPPF. It has not been asserted that it is of a level of significance commensurate with a designated heritage asset which should be considered under paragraph 196.

### ***Cumulative Harm***

- 6.262 The Conservation Officer states that cumulative harm should be considered, although their comments following this assertion seem to relate to coalescence and their perception of the land between the assets being historic landscape.

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<sup>15</sup> *Historic England GPA 3 CD 3.17*

6.263 I have considered the assets separately, making a full assessment of their settings, and also assessed (but discounted, having assessed) the possibility that the 'historic landscape' is an asset.

6.264 The Council's Statement of Case states:

*In addition to the harm to the significance of individual heritage assets which would be caused by the Proposed Development (some of which are accepted by the Appellant), the Council will also maintain that that the Appellant has considered each heritage asset separately, and this omits the cumulative impact of the Development Proposal. This approach has enabled the Heritage Statement to assess the proposals as less harmful than they would appear if assessed in the context of the wider area and its history.*

6.265 This does not fit well the instances in which Historic England Guidance suggests cumulative harm might be considered. *GPA3 The Setting of Heritage Assets* (Historic England 2017) states:

*Cumulative change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it (see also paragraph 40 for screening of intrusive developments).*

6.266 This wording is echoed in *GPA2 Managing Significance in Decision-Taking in the Historic Environment*, paragraph 28.

6.267 This advocates the need to consider proposed development in the context of previous development, where a final link with an asset and its setting might be compromised. Such issues have been considered in individual assessments of setting, where relevant, above.

6.268 It does not advocate the amplification of harm to a number of individual heritage assets that might be caused by any one development because harm might be cause to more than one asset. In fact, caution should be exercised in as much as harm to assets derived from the same historic elements should not be double

counted (such as harm caused to a Listed building in a Conservation Area being counted twice).

## **7. DISCUSSION OF LAW AND PLANNING POLICY**

- 7.1 The assessment given in Section 6 concluded that the proposed development would result less than substantial harm at the low end of the spectrum to the Grade II Listed Pump Farmhouse and the Grade II Listed Chapel House, through changes to setting and less than substantial harm, at the lowermost end of the spectrum, to: the Grade II\* Listed Bloors Place, Lower Twydall Conservation Area, and Lower Rainham Conservation Area, through changes to setting.
- 7.2 Paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. The judgment in 'Mordue' has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act, and this have been accepted in subsequent judgments relating to cases in which harm to the heritage significance of Listed Buildings was identified, but was found to be outweighed by public benefits. There is no statutory provision for the setting of Conservation Areas, as such.
- 7.3 The weighing exercise of harm against public benefits is carried out by Mr Duncan Parr in his Proof of Evidence.
- 7.4 The above assessment has identified very minor harm to the non-designated Oast House. Paragraph 197 of the NPPF requires that this is considered as part of an overall balanced judgment, having regard to the scale of any harm or loss (very minor) and the significance of the heritage asset (low). This exercise is carried out by Mr Duncan Parr in his Proof of Evidence.
- 7.5 With regards to Policies BNE 12 and 18 of the Local Plan, Policy BNE12 states that  
*"Special attention will be paid to the preservation and enhancement of the character and appearance of Conservation Areas, as defined on the proposals map."*
- 7.6 This makes no mention of settings. The proposed development will preserve the character and appearance of the Conservation Areas, and so development is considered to conform to this policy.

7.7 Policy BNE18 states:

*"Development which would adversely affect the setting of a listed building will not be permitted."*

7.8 This is clearly overly restrictive when compared to the policy of the NPPF and, as the Local Plan was adopted prior to the inception of the NPPF, it is considered that this policy is out of date should be given limited weight.

7.9 According to paragraph 213 of the NPPF, with regards to Local Plan Policies,

*'Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'*

7.10 As such Policy BNE18 is clearly comparatively restrictive and inconsistent with national policy for the fact, and is out of date.

## **8. CONCLUSIONS**

8.1 A full assessment of the heritage significance and setting of the assets mentioned in the Reason for Refusal has been completed and in addition, where the Council has subsequently expanded their case, consideration of other elements has been made.

8.2 With regards to the Grade II Listed York Farmhouse, this former farmhouse has now been converted to three residences, and the remainder of the farm buildings residentially converted also. In addition. Two large residences have been constructed to the south-east of the asset and, as such, the asset is not only surrounded by the gardens of the residences within it, but also further surrounded by the gardens of the new-build houses. This has physically separated the asset from the wider landscape, and the cessation of the complex for farming uses has severed the functional association. The site has only minimal intervisibility with the upper elements of the asset. The proposed development will be set back from the asset, beyond its gardens, further gardens, a strongly vegetated boundary and public open space. No harm to the heritage significance of York Farmhouse through changes in setting is anticipated.

- 8.3 The Grade II Listed Pump Farmhouse is also now used for solely residential rather than agricultural purposes, and its surroundings have likewise undergone a large degree of change. Twenty four modern residences have been constructed to the north and west of the former farmhouse, and separate residence lies to the south. The access route to a depot now lies to the east of the farmhouse. The modern orchard within the site makes a minor contribution to the heritage significance of the asset through setting, through historic illustrative interest, although this contribution is minor as the functional association has been severed, the modern houses screen views to much of the land that was historically associated, and the land that is most visible from the building to the east was mostly not historically associated with the asset. The proposed development will be visible in views east from the asset, from its side elevation, although it will be set back behind open space and orchard. The proposed development will not harm the fabric of the asset, from where it derives most of its significance, or the gardens of the asset, from where it is best appreciated. The proposed development will result in less than substantial harm at the low end of the spectrum for this asset.
- 8.4 With regards to the Grade II Listed Chapel House, again the functional association with the wider landscape has been severed, and the building is now two private residences. These residences face directly onto Pump Lane, from where the asset can be best appreciated, and the asset has gardens or other curtilage on other sides. It has filtered intervisibility with the site from the rear and sides of the structure. The site makes a minor contribution to the heritage significance of the asset through setting, but this is only minor as the functional association has been severed, the intervisibility is filtered, and the building was clearly designed to face in the other direction onto Pump Lane. Development will be set back from the rear of the asset. The fabric of the structure, from where it gains most significance, will not be harmed, nor will the gardens it lies within or its relationship with Pump Lane. The change of character of the site from modern orchard to development beyond orchard will result in less than substantial harm at the low end of the spectrum to this asset.
- 8.5 The Bloors Place complex, the residence of which is Grade II\* Listed, has been subdivided in the later 20<sup>th</sup> or 21<sup>st</sup> century, with the Wagon House, Cartlodge and Oast now separate residences and a roofing company operating from the complex too. The house has also been functionally severed from much of its former landholding. This landholding was a large and of a dispersed nature, historically

encompassing several landuses and functions. The house lies within its gardens, some of which are surrounded by high walls, and give the house and its immediate curtilage a secluded immediate setting. The site encompasses part of the former landholding, albeit of changed character to modern commercial orchard, and now with limited seasonal intervisibility. The proposed development will be set back from Bloors Place, beyond its gardens enclosed by high walls, and orchard beyond, outside the site. It is anticipated to cause less than substantial harm at the lowermost end of the spectrum to Bloor place. No harm is anticipated to the Grade II listed outbuildings, which now include separate residences, or the Grade II Listed walls enclosing the gardens.

- 8.6 With regards to the non-designated oast house south of Bloors Place, this has also been residentially converted and no longer has a functional association with the wider landscape. The elements of its setting that make the greatest contribution to its significance through setting are its immediate curtilage from where its architectural interest can best be appreciated, and the other building of the former Bloors Place complex, which have historic illustrative value as to its origins. Any harm to the heritage significance of the asset will be very minor at most.
- 8.7 The historic development of the Lower Twydall Conservation Area has been considered, and how the large degree of change to the function of the buildings has affected the relationship of the buildings and spaces within it and the wider landscape. Whilst many of the buildings of heritage significance had agricultural origins, these have all been residentially converted, with no remaining active farm complexes remaining, and the historic buildings are now separated from the wider landscape by domestic gardens, sometimes forming a double layer. There is no ready access between the site and the Conservation Area. The site has only glimpsed visibility with some elements of buildings within the Conservation Area and their plots, albeit these are largely of changed character from their historic uses, with the site lying beyond garden plots of modern origin. The residential development within the site will be set back from the edge of the Conservation Area. Only less than substantial harm at the lowermost end of the spectrum is anticipated for this asset.
- 8.8 The historic development of the buildings and spaces in the Lower Rainham Conservation Area has also been considered. The functional relationship with the wider agricultural land has largely been severed. Of the few agricultural larger complexes that were present historically, Bloors Place has been subdivided by

residential conversion and no longer has a functional association with the wider area, and a couple of the other smaller complexes have had the agricultural buildings present demolished. The settlement appears to have been sited to take advantage of a wider economic base that could be exploited in this locality, with the largest historic landholding of Bloors Place including a wharf, saltmarsh, woodland, meadow, orchard and arable in the mid 19<sup>th</sup> century. The Conservation Area has a stronger visual link with the Medway and adjacent land than land to the south-west, which it is largely screened from by strongly-vegetated boundaries. As discussed above, the proposed development will have some intervisibility with Chapel House and Bloors Place which lie in the Conservation Area, but will be largely screened from historic buildings in the core which front onto Lower Rainham Road. The experience of the Conservation Area from Lower Rainham Road will be largely unchanged. The change to some of the wider agricultural surrounds of the area is anticipated to result in less than substantial harm at the lowermost end of the spectrum to the Lower Rainham Conservation Area, and its character and appearance will be preserved.

- 8.9 It is agreed common ground that there will be no harm to the heritage significance of 497-501 Lower Rainham Road and The Old House.
- 8.10 With regards to the identification of the land within the site as a '*historic landscape*' which is itself a heritage asset, I do not concur with this. The landscape is not of sufficient intrinsic heritage interest for it to be considered as such. The landscape has undergone a large degree of change, from a greater range of landuses to predominantly orchard, and the orchard itself has changed in character, now having a modern commercial character. I have considered the landscape as part of the setting of the assets mentioned above, where appropriate. Likewise, I do not consider that Pump Lane or the Bridleway which runs through the site have sufficient interest to be considered as heritage assets.
- 8.11 With regards to the cumulative harm identified by the council, I do not consider that it is appropriate to inflate levels of harm to assets, where harm applies to multiple assets, and the approach adopted by the council to do so has no basis in guidance or policy.
- 8.12 With regards to the modest harm to the heritage assets identified above, this does not preclude development, but rather should be weighed against the public benefits of the proposed scheme. This exercise is carried out by Mr Duncan Parr



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in his proof of evidence. Likewise, Mr Parr considers the very minor harm to the non-designated Oast House, under paragraph 197 of the NPPF.

- 8.13 With regards to Policies BNE 12 of the Local Plan, this makes no mention of settings. The proposed development will preserve the character and appearance of the Conservation Areas, and so development is considered to conform to this policy.
- 8.14 Policy BNE18 is clearly overly restrictive when compared to the policy of the NPPF and, as the Local Plan was adopted prior to the inception of the NPPF, it is considered that this policy is out of date.