



**Land North of Little Cheveney Farm
Sheephurst Lane
Marden
Kent**

Proof of Evidence – Rob Sutton: Heritage

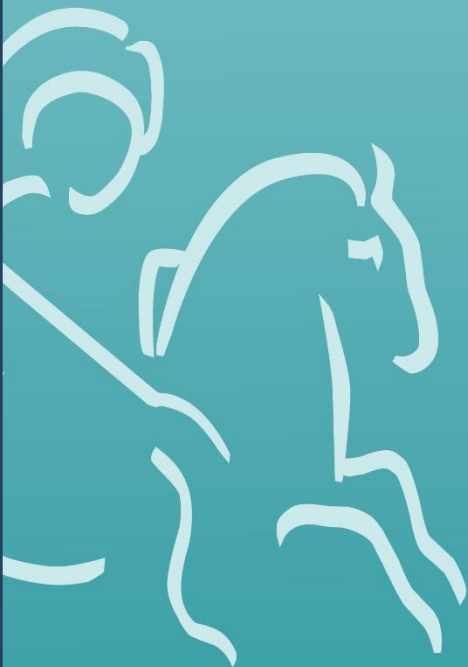


Report prepared for:
Statkraft UK Ltd

PINs ref.: APP/U2235/W/23/3321094

Application ref.: 22/501335/FULL

December 2023



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e. enquiries@cotswoldarchaeology.co.uk			

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1. INTRODUCTION

Qualifications and experience

- 1.1. My name is Robert Sutton. I am the Director of Heritage Consultancy at Cotswold Archaeology. I am a Member of the Chartered Institute for Archaeologists (MCIfA), and Cotswold Archaeology is a Registered Organisation with the Institute.
- 1.2. I am an archaeologist by qualification and have been practicing as a heritage consultant for over 20 years. A graduate of Bournemouth University, I worked as field archaeologist in London before spending nearly 10 years as a heritage consultant at Atkins. I have led the consultancy team of Cotswold Archaeology since 2011, growing the team from four to 20 professional consultants.
- 1.3. I have authored or provided the technical review of over 250 Cultural Heritage chapters of Environmental Statements and many hundreds of heritage assessments for planning applications. I have prepared over 50 expert witness statements for Public Inquiries, Hearings, Written Representations and planning committee meetings. I have appeared as an Expert Witness at NSIP examinations and planning and listed building appeal hearings and inquiries. I provide heritage advice to LPAs, developers, government agencies and interested third parties.
- 1.4. I have undertaken heritage assessment work on some of the largest infrastructure projects, in some of the most environmentally sensitive locations in the UK. These have comprised on-shore wind farm projects; a NSIP for an off-shore wind park; and solar farm schemes ranging from ½ha to 700ha. Rail projects have included HS2 London to Birmingham and the route optioneering assessment work on the 'y-route'. Road scheme assessments have included new 60-mile motorways to junction improvements projects. My experience undertaking assessments for residential and mixed-use schemes range from single building conversions to 300+ new homes. Specifically, I have acted as an Expert Witness for many different schemes where heritage and the setting of Listed Buildings was a reason for refusal.
- 1.5. I am at the forefront of developing best practice and industry guidance having devised, with acoustic experts, on behalf of Historic England, the methodology for assessing the effect of intrusive noise on heritage assets. I was also part of the team that developed the cultural heritage assessment methodology within the DfT's Design Manual for Roads Bridges guidance document. In early 2015, on behalf of the government (HS2 Ltd) I developed the scheme-wide historic building and historic

landscape mitigation recording strategy and specification for HS2 (London to Birmingham). I am on the Advisory Panel that drafted the recently (July 2021) published *Principles for cultural heritage impact assessment* on behalf of IEMA, IHBC and ClfA. I am the author of cultural heritage topic chapter for the 2019, 3rd edition of the *EIA Handbook* (ed. Carrol and Turpin).

- 1.6. I visited the Appeal Site and the surrounding area in December 2023. Access to the interiors of the heritage assets (Listed Buildings) was not sought and was not deemed to be necessary or pertinent to the matters related to this Appeal. This visit directly informed the evidence presented here. The photos included below are either my own, taken during this visit or those that were taken during work leading up to the submission of the planning application.
- 1.7. Cotswold Archaeology have been engaged by Statkraft UK Ltd to provide heritage advice and assessment work on this proposed development since January 2021. My colleagues drafted the assessment report that formed one of the submissions documents within the planning application. My own specific and direct involvement in the scheme began in February 2023, advising and directing colleagues during the preparation of the Heritage – Appeal Statement (CD 1.33). To support this advice, I reviewed the Heritage Desk Based Assessment (hereafter the ‘Heritage DBA’) (January 2022; CD 1.3); the Planning Committee Report (October 2022; CD 1.24); the Heritage and Design Officer comments (August 2022; CD 2.1.19 and 2.1.20); correspondence from Historic England (June and September 2022); plus extracts from other planning application documents (site and layout plans, LVIA, PDAS, etc...).
- 1.8. The evidence which I have prepared and provide in this Proof of Evidence is given in accordance with industry guidance and good practice. The positions expressed here are my true and professional opinions.

Scope of this evidence

- 1.9. This evidence is solely concerned with matters associated with the assessment of the potential impact of the Appeal Scheme on heritage assets. Matters associated with landscape and amenity, and the planning balance can be found in the expert evidence presented by others.

1.10. This evidence has been drafted as a response to the third Reason for Refusal (hereafter referred to as the 'RfR') of the application ref. 22/501335/FULL which is as follows:

3. The proposed development, by virtue of its scale, proximity and character results in less than substantial harm to the settings of Heritage Assets being Grade II listed buildings of Little Long End and Little Cheveney Farm as views from and to listed buildings close to the site would be possible. The harm to the significance of the heritage assets would be less than substantial. The application is therefore contrary to policies DM4 and DM24 of the Maidstone Borough Local Plan 2017 and the NPPF.

1.11. The RfR fails to recognise the need to weigh any identified harm (to heritage assets) against the public benefits delivered by the scheme. This is an obvious error and a planning policy, which, as described above, is a matter that is discussed by Mr Cox in his Planning Proof of Evidence. As such, what follows here is a discussion of the impacts of the Appeal Scheme upon the Grade II Listed Buildings mentioned in the RfR:

- Little Long End (Historic England ref. 1252931); and
- A group of four buildings at Little Cheveney Farm: Little Cheveney Farm farmhouse (Historic England ref. 1060676), Oasthouse about 15 metres south east of Little Cheveney Farmhouse (Historic England ref. 1060677), Oasthouse about 60 metres north east of Little Cheveney Farmhouse (Historic England ref. 1344415) and Barn about 15 metres south west of Little Cheveney Farmhouse (Historic England ref. 1344414). For ease these assets will be referred to collectively as 'Little Cheveney Farm' unless specific discussion in relation to individual buildings is presented.

1.12. The Planning Committee Report (CD 1.24) and the comments from Council's Heritage and Design consultees (CD 2.1.19 & ..20) accept the ("no harm") conclusions of the Heritage DBA in relation to the other Listed Buildings in the surrounding landscape, including Grade II Listed Longends Farmhouse, Great Shephurst Farmhouse (including its oasthouse) and Turkey Farm House. This is reiterated in the Council's Statement of Case (CD 9.2; paragraphs 67 and 70) and confirmed in the draft Statement of Common Ground (CD 10.1; paragraph 54). The

Council's assessment of no harm, in relation to these assets is returned to section 5 of my evidence, below.

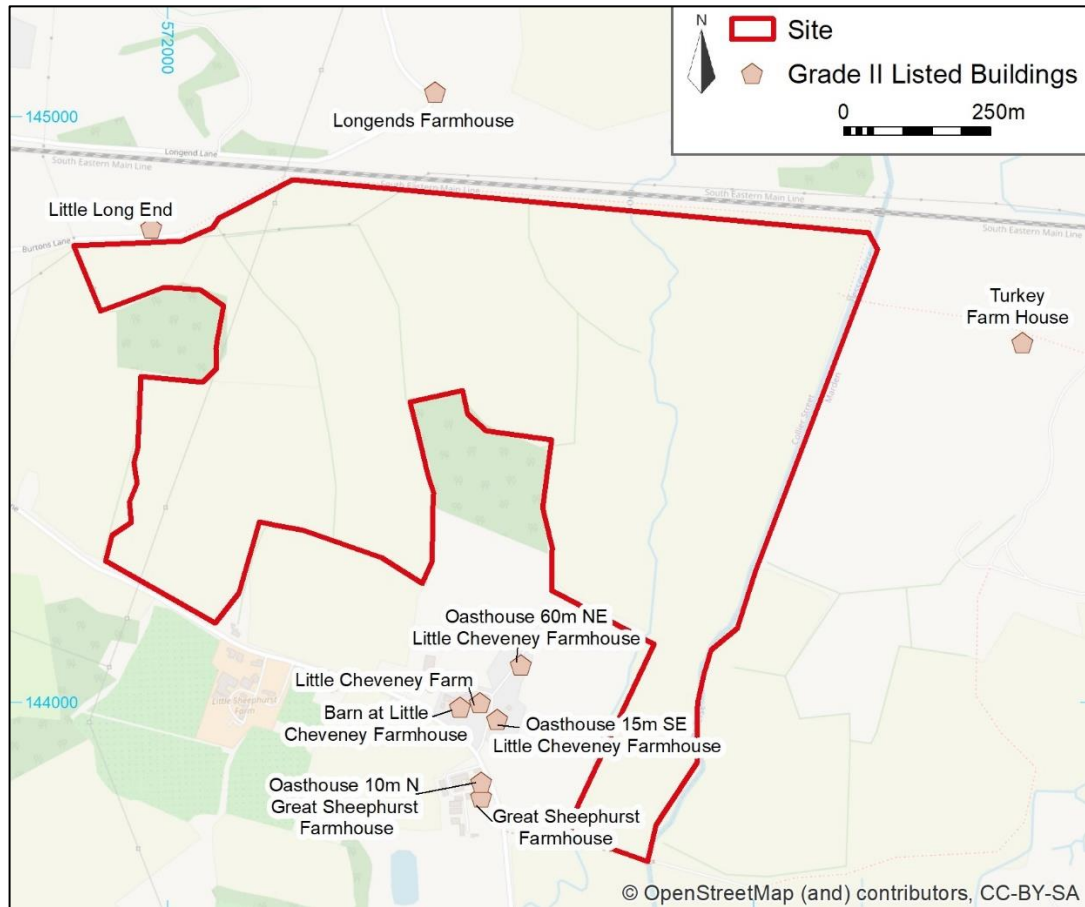


Figure 1 – location of Listed Buildings and Appeal Site

- 1.13. For the avoidance of doubt, the Planning Committee Report (CD 1.24) concluded that in relation to the archaeological potential of the Appeal Site, further archaeological investigations can be secured via an appropriately worded planning condition, accepting the conclusions of the Heritage DBA. This is reiterated in the Council's Statement of Case CD 9.2; draft condition 10) and confirmed in the draft Statement of Common Ground (CD 10.1; paragraph 50). As such, the archaeological matters are not further discussed here.
- 1.14. Amendments were made to the scheme design post-submission of the application. Further amendments were made following the refusal of the application. None of these changes were prompted by heritage matters (i.e., designed to avoid or mitigate harm to heritage assets). None of these changes make a material difference to the assessment presented within the Heritage DBA (CD 1.3) or the Heritage Appeal

Statement (CD 1.33). The assessment and evidence I present here is based on the Appeal Scheme as depicted on drawings AW0143-PL-0003 (Appeal Amendments, CD 1.2.3). It is my reading of the Council's case that the amended scheme as presented on these drawings would in no way alter their assessment of the impacts of the Scheme on heritage assets.

1.15. This evidence comprises the following sections:

Section 2 – the documents that have been used to inform my evidence

Section 3 – a summary of supporting contextual discussion on the methodological approach to the impact assessment

Section 4 – statements of significance and impact assessment

Section 5 – response to the Council's Statement of Case and other positions

Section 6 – a summary of this evidence

Section 7 – bibliography

2. INFORMING DOCUMENTS

Appeal documents

- 2.1. This Proof of Evidence should be read alongside the Heritage Appeal Statement (April 2023). Whilst the Appeal Statement was drafted and principally authored by a colleague, as described above I had a significant role in providing advice during its preparation and reviewing the document in draft and the Appeal Statement reflects and is consistent with my own assessment of the key issues. There are no material departures or differences in the matters and evidence presented in the Appeal Statement and those presented here.

Application documents

- 2.2. The relevant document that formed part of the planning application is the Heritage DBA (CD 1.3). My Proof of Evidence should also be read alongside the Heritage DBA. As with the Appeal Statement, there are no material departures or differences in the matters and evidence presented in the Heritage DBA and those presented here. I do not seek to replicate the details provided in the Heritage DBA.

Guidance documents

- 2.3. The documents that have informed the assessment methodology adopted in this statement are cited within section 7 (References) of this evidence. The three key documents are:

- *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*, Historic England 2008 (CD 6.1);
- *Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets* (Second Edition), Historic England 2017 (CD 6.4); and
- *Principles of Cultural Heritage Impact Assessment in the UK*, 2021, IEMA, IHBC and ClfA (CD 6.8).

Relevant legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.4. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority (or, as the case may be, the Secretary of State) to have special regard to the desirability of preserving Listed Buildings and their settings (under Section 66(1)), when determining planning applications.

Policy framework

National Planning Policy Framework

2.5. The paragraphs within section 16 (Conserving and enhancing the historic environment) of the NPPF (September 2023) (CD 3.4) that are of relevance to this Appeal are:

- Paragraph 194, in so far as it relates to “local planning authorities require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”;
- Paragraph 195, in so far as “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)...”;
- Paragraph 199, in so far as “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”; and
- Paragraph 202, in so far as “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”.

Local Planning Policy

2.6. The policies within the Maidstone Borough Local Plan 2011-2031, adopted October 2017 (CD 3.1), of relevance to heritage assets include Policy SP18 Historic Environment (quoted in full in the Heritage DBA, but repeated here as this is not cited in the RfR) and Policy DM4 Development affecting designated and non-designated heritage assets¹. The contents of these policies very much reflect the detail within the NPPF.

¹ Policy DM4: Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. 2. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of: i. Any heritage assets, and their settings, which could reasonably be impacted by the proposals; ii. The significance of the assets; and iii. The scale of the impact of development on the identified significance. 3. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation. (after Maidstone Borough Local Plan 2011-2031)

3. FUNDAMENTAL PRINCIPLES OF HERITAGE ASSESSMENT – A SUMMARY

Introduction

- 3.1. This chapter sets out a summary of the fundamental principles within legislation and planning policy with regard to the safeguarding of the significance of heritage assets (including their settings). Within the Heritage Appeal Statement (CD 1.33), these themes are drawn out, into a detailed narrative, providing the contextual background of the methodology adopted in the impact assessment presented within the Heritage DBA (CD 1.3), within the Heritage Appeal Statement (CD 1.33) and in section 4, below. In the most part, these themes are already sufficiently well-articulated in legislation, policy and good practice guidance; however, in some cases, key points are given further elaboration to demonstrate the specific applicability to the key issues that are the subject of this Appeal.

A changed and changing historic environment

- 3.2. Our historic environment tells a story of change. The buildings of today that have stood for hundreds of years would have, when first constructed, looked alien within their environments. The same can be said of landscape features such as orchards or ridge and furrow, so prevalent in parts of the English medieval countryside, which had no place in the farmed landscapes of the pre-Roman or Roman period. Or large, amalgamated arable fields, which do not resemble the patchwork landscape of enclosed fields characteristic of the post-medieval period. The transportation infrastructure of more recent times in the form of canal, rail and motorway often paid little respect or even acknowledgement of the grain of the landscape through which they pass. Our historic environment is one of change and creation. Our legislative and policy framework seeks to safeguard those elements that tell the most important stories of these changes.
- 3.3. Many of the historic buildings which survive within the landscape today continue to be used and have been adapted over the centuries to reflect the changing technology, needs and aspirations of their occupants and users. The buildings and their surroundings have been altered to ensure they have a viable use within the changing socio-economic environment. This change occurs constantly and forms part of the narrative of those heritage assets, from internal alterations to allow modern residential facilities, or extensions to provide extra space, to provision of amenities

such as swimming pools, or even conversion of formerly agricultural buildings (like oasthouses) when they become disused.

- 3.4. Therefore, most of our historic environment, even the majority of designated heritage assets, tell stories of change. The Listed Buildings that are the subject of this Appeal, are heritage assets that tell stories of change too.

Understanding setting (re heritage assets)

- 3.5. The ‘setting’ of a heritage asset comprises ‘the surroundings in which a heritage asset is experienced’. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’ (NPPF (2021), Annex 2; CD 3.3). Thus, it is important to note that ‘setting’ is not itself a heritage asset: however, it may contribute to the significance of a heritage asset.
- 3.6. Guidance on assessing the effects of change upon the setting and significance of heritage assets is provided in ‘Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets’ (CD 6.4), which has been utilised for the assessment presented here. To quote directly from this document “Analysis of setting is different from landscape assessment. While landscapes include everything within them, the entirety of very extensive settings may not contribute equally to the significance of a heritage asset, if at all.” Therefore, understanding and articulating the relative significance of the component parts of the setting of a heritage asset is a critical component to the impact assessment.
- 3.7. In summary, setting can contribute to heritage significance through associated attributes i.e., surviving elements within its surrounds that have a tangible association with the important stories of the asset itself (maybe lying well-beyond the experience of the asset); or at specific locations where the asset itself is experienced.
- 3.8. In the vast majority of cases heritage significance is experienced when one is looking towards (or simply ‘looking at’) the heritage asset. The sensory and intellectual stimulation drawn from the aesthetic and historic (illustrative) value of a building (such as a post-medieval farm complex) is obviously had from views towards it.

Change does not necessarily result in harm

- 3.9. For a proposal (a development) to cause harm to a heritage asset it must have the potential to impact its heritage significance or the way in which its significance is experienced. Change to the character of the asset's setting (relevant in this Appeal) does not necessarily result in harm to its significance.
- 3.10. As Historic England guidance states, 'Many places coincide with the setting of a heritage asset' and 'conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive'. Thus change, even that which is perceived by some as unwelcome and/or considerable in scale is not to be necessarily equated with harm to heritage significance. Identifying a change of character or an altered view is not, of itself, evidence of an impact (or harm) in heritage terms.

Reversibility

- 3.11. The matter of reversibility is also of relevance to an understanding of change and to the effect of the development on heritage significance. The IEMA Principles of Cultural Heritage Impact Assessment (CD 6.8) acknowledge the importance of this matter, as does the Setting of Heritage Assets (CD 6.4). A development that can be removed from the landscape or from the setting of a heritage asset without causing any permanent adverse effects is clearly a material matter and must be recognised as having a far lesser effect than an irreversible change.

Solar farm developments

- 3.12. By their very nature and location within the landscape, solar farms, of the scale being proposed here, are inherently rural in character. The character of these features (solar panels) within the landscape is perceived very differently by different individuals. It is not uncommon to read them described as industrial, and urban, and similar to housing estates. While industrial character areas are a hive of activity, noise, smells and people interacting with mechanised equipment; solar farms are the total opposite – quiet, still and unpopulated. In the same sense, all of the characteristics associated with urban 'built form' are completely absent from my perception and experience of solar farms.

4. HERITAGE SIGNIFICANCE AND IMPACT ASSESSMENT

Introduction

- 4.1. An assessment of the designated heritage assets within the surroundings of the Appeal Site is provided in Section 5 of the DBA. This section does not therefore seek to reproduce this content but instead presents a summary of the significance of the Grade II Listed Buildings at Little Long End and Little Cheveney Farm, and of the way in which this significance may be affected by the Appeal Scheme.

Little Long End

Description of the asset

- 4.2. Little Long End is situated just to the north of the Appeal Site boundary, from which it is separated by the hedge-lined Burtons Lane. Originally constructed as a three-bay barn in the 17th or early 18th century, the building was converted to a cottage in the mid-19th century.

Significance of the asset (including contribution made by setting)

- 4.3. The heritage significance of Little Long End is derived from the architectural value embodied in its physical form and fabric, as well as its historical (illustrative) value relating to the development of the local landscape in the post-medieval and early modern period.
- 4.4. Little Long End is situated within an enclosed garden, with Burtons Lane to the south and the railway line to the north. The principal elevation can be viewed looking north, from the Lane (see Photo 1).
- 4.5. The wider surrounds of Little Long End are representative of a rural landscape setting broadly consistent with that within which the building was originally constructed and functioned. However, this character is not dependent on any specific land-use (i.e., arable farming), but simply relates to the rural context. However, it must be acknowledged that this rural landscape has undergone considerable change in the 19th and 20th centuries, including the construction of the railway line, electricity pylons and small-scale residential developments, along with the amalgamation (enlarging) of small fields.



Photo 1 View of Little Long End from Burtons Lane

- 4.6. Little Long End is best experienced from within its garden and from occasional locations on the Lane (to the south) where the historic and architectural qualities of the building can be appreciated. Tall vegetation either side of the Lane and surrounding the garden obscures longer-distance views of the building.
- 4.7. Although the Appeal Site forms part of the wider rural landscape surrounding Little Long End, it has no known functional or historical associations with the building.

The impact of the Appeal Scheme on heritage significance

- 4.8. The part of the Appeal Scheme which lies closest to Little Long End will comprise a biodiversity area, formed of a mixture of native tree species. The nearest solar panels will be located over 200m to the east of the building.
- 4.9. Mature garden and roadside hedgerows obscure any views of the Appeal Site (Photo 2, taken during the summer of 2021). Equally, the building is not visible from within the Appeal Site. Furthermore, there are no other locations in the wider landscape where the building and the Appeal Scheme can be perceived together. Thus, the Appeal Scheme will not be discernible within any experience of Little Long End.



Photo 2 View east towards the Site, from Burtons Lane near to Little Long End

- 4.10. The Appeal Site will retain a rural character, and as the specific land-use (within the realms of what can be described as rural) is not critical to the heritage significance of the building this change (from arable to solar) will not bring about any harm.
- 4.11. Thus, there would be no harm to the significance of the Grade II Little Long End.

Little Cheveney Farm

Description of the assets

- 4.12. The Listed Buildings at Little Cheveney Farm are located c.230m to the south of the Appeal Site. The farmhouse is a two-storey, timber-framed building of late 16th century date, with late-18th or early-19th century additions and 1930s restoration. The barn c.15m south-west of the farmhouse is of 17th century date, with later additions and alterations. The two 19th or early 20th century oasthouses, now converted for residential use, are located c.15m south-east and c.50m north of the farmhouse.

Significance of the assets (including contribution made by setting)

- 4.13. The heritage significance of the Listed Buildings at Little Cheveney Farm stems from their physical form and fabric, which retain evidential and architectural values relating to their construction and phases of use, as well as historical illustrative values as surviving elements of the local post-medieval and early modern landscape.
- 4.14. During the 19th century the farmstead was laid out around a courtyard layout. Today the complex forms a small number of private residences with their own gardens, lying either side of the farm track. Although much changed, the buildings continue to be appreciable as a group.
- 4.15. As is often the case, but is specifically the case here, the buildings will be best experienced from up close, from within the private gardens. From these locations the architectural and historic interest of the buildings can be experienced. The group value can be enjoyed from these locations too.
- 4.16. The rural character of the wider setting contributes to the historic narrative of the farmstead, although the relative importance of this aspect of setting been somewhat reduced by the conversion of the oasthouses, for instance, to residential use.
- 4.17. This landscape has experienced considerable change throughout the 20th and 21st centuries. There are new residential developments on Sheephurst Lane, large agricultural barns and electricity pylons; and the very large industrial buildings to the north and west of Marden can be seen from within this landscape too. In addition, many of the large, regular fields present within the existing landscape, including the Appeal Site, are derived from the 20th century amalgamation of medieval and post-

medieval field systems. It is the overall rural character, rather than specific land-use (i.e., arable farming) that is of relevance to the significance of the farm buildings.

- 4.18. Views illustrating the wider surrounding rural landscape are likely to be had from the buildings at Little Cheveney Farm. These would be glimpsed through planting within the gardens of the properties and agricultural buildings, with more wide-ranging views from the oasthouses to the north.



Photo 3 View south-west from the footpath towards Little Cheveney Farm

- 4.19. The oasthouses to the north are the most prominent buildings within the complex, and can be seen from further afield, from several locations to their east and north but specifically from along the footpath (Photo 3). If one is located further east, along the footpath, the buildings are far less visible or disappear from view completely. These views illustrate the buildings within their wider rural setting but are too distant to experience the historic or architectural qualities of the buildings.
- 4.20. Furthermore, during the mid-19th century the Appeal Site formed part of the landholding of the farm.

The impact of the Appeal Scheme on heritage significance

- 4.21. The Appeal Scheme would introduce solar panels into the wider rural setting to the north-east and north-west of the farm. The nearest solar panel will be located c.270m north of the farmhouse and c.150m of the northernmost oasthouse.
- 4.22. None of the views that allow the architectural and historical values of the buildings to be experienced would be in anyway changed. From (and along) the footpath to the

east of the farm, at locations where the buildings can be seen (i.e., travelling west, towards them) the Appeal Scheme would be outside any views (lying to the north and to the right of an observer). From further afield still i.e., to the north of the Appeal Site the oasthouses appear and disappear as one moves through landscape, hidden then revealed between gaps in the vegetation (notable during winter months, perhaps completely absent during summer months). With the introduction of Appeal Scheme this characterisation of the building appearing and disappearing, would be unchanged.

- 4.23. While part of the land within the Appeal Site has historic associations with the farm, this association will not be lost, this part of the historic relationship of the landscape and buildings will remain.
- 4.24. The Appeal Site will retain a rural character, and as the specific land-use (within the realms of what can be described as rural) is not critical to the heritage significance of the building this change (from arable to solar) will not bring about any harm.
- 4.25. Thus, there would be no harm to the significance of any of the Grade II Listed buildings at Little Cheveney Farm.

5. RESPONSE TO THE REASONS FOR REFUSAL AND THE COUNCIL'S STATEMENT OF CASE

- 5.1. The following paragraphs respond to the matters expressed in the RfR (CD 1.26), the Planning Committee Report (CD 1.24), and the consultation response from the Heritage and Design consultees at Maidstone Borough Council (CD 2.1.19 & ..20), and most recently the Council's Statement of Case (CD 9.2).

RfR and Planning Committee Report

- 5.2. The Heritage and Design consultation response raises an objection to the application, citing impacts on the Grade II Listed Buildings at Little Long End and Little Cheveney Farm. Regarding Little Long End, the consultation response agrees with the DBA that the wider rural landscape surrounding the building makes only a minor contribution to its significance, but goes on to state that '*nevertheless, the construction of a considerable number of solar panels, even with the trees will reduce the rural setting of the site*'. No explanation is provided as to how the rural character as perceived within experiences of the Listed Buildings would be altered, so as to cause harm.
- 5.3. As identified within the Heritage DBA (CD 1.3) and Section 4, above, the Appeal Scheme will not feature within any important or material experiences of the buildings in question. I do not accept that the Appeal Scheme would result in the diminution of rural setting and / or the industrialisation of the arable context as alleged. With the Appeal Scheme in place the Appeal Site will retain a rural character. To the matter of the specific land-use, a suggestion that in this specific case changing from arable to this, different, land-use would cause harm is wholly without merit.
- 5.4. It is useful to note, while not needing to rely on the findings, that in a recent Appeal Decision for Land at Park Farm, Gillingham (Appeal ref. APP/D1265/W/22/3300299; CD 7.17, paragraph 33), the Inspector discusses solar development as follows: '*nor do I accept the Council's assertion that they are industrial in visual terms, as they have little in common with industrial development and are becoming gradually accepted in rural areas*'. Both of these points (not industrial; and becoming accepted in rural areas) accord with the view I have taken here, and one that I have adopted on many dozens of assessments of solar farm developments.

-
- 5.5. Turning to specific comments made regarding Little Cheveney Farm, the consultation response, in referring to the visibility of the oasthouses, states that *'the short distance views of this asset from the site in particular the roundels and cowls are important and will be impacted by the proposed development somewhat, however it is the rural setting that will be diminished and will result in some minor harm to the setting of the listed building'*. As described above, in section 4 of my evidence, these are relatively prominent features within the landscape to their east, and these views are not solely had from within the Appeal Site. The consultation response identifies 'harm to the setting'. Setting is not a heritage asset. The policy test (within the Local Plan and NPPF) is solely concerned with harm to the significance of the asset itself, or the ability to appreciate that significance.
- 5.6. Staying with Little Cheveney Farm, the Planning Committee Report (CD 1.24) refers to the *'visual, functional and historic connections'* between the Appeal Site and the Listed Buildings. The visual connection is minimal, distant, filtered and only applicable to the oasthouse to the north. The functional and historical connection is acknowledged, although it would be more precise to refer to this an 'historical functional' relationship, based on former landownership, however this will be unaffected.
- 5.7. The consultation response concludes that the Appeal Scheme would result in harm to the Listed Buildings at Little Long End and Little Cheveney Farm, and this harm *'would be minor and at the lower end of less than substantial'*. The Planning Committee Report states *'less than substantial harm'* to the assets, resulting from the *'occasional views from and to the listed buildings across the application site'*. In my opinion the alteration to these indirect, and relatively unimportant views from and towards the assets would result in no harm to their heritage significance (or how this is experienced).
- 5.8. The Planning Committee Report accepts the public benefits of a renewable energy scheme but states that such benefits *'could be obtained by sites that are less constrained by the proximity of so many Grade II listed buildings'* (para. 6.42). A scheme of this type and size would always be, because of its nature, sited in a rural location and likely forming the hinterland of some Listed Buildings or other heritage assets. See Figure 2, below, depicting the frequency and location of just the Listed Buildings within the Borough (i.e., not including other designated heritage assets). I

do not rely on this proliferation to justify the acceptability of the Appeal Scheme. Any development proposal should be assessed on its own merits and considered within the legislative and planning policy context. This should be informed by an assessment based not on 'proximity' of a site to designated heritage assets, or comparisons with other locations, but by a thorough understanding of whether a scheme that is proposed could affect significance of designated heritage assets.

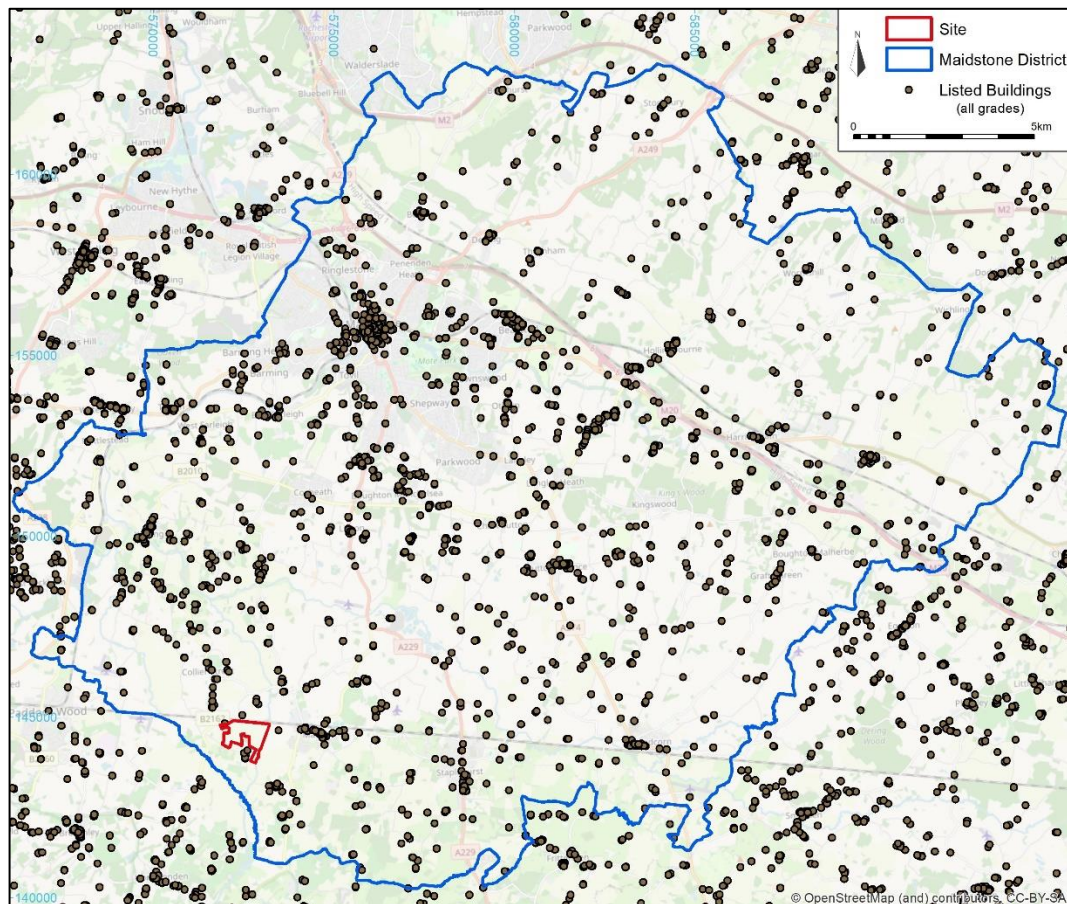


Figure 2 – Listed Buildings within the Borough and surroundings

5.9. The RfR draws from the consultation response and Planning Committee Report in finding 'less than substantial harm' to the Grade II Listed Buildings at Little Long End and Little Cheveney Farm, triggering an allegation of conflict with Local Plan Policy DM4 and NPPF paragraph 202 (when insufficient public benefits are acknowledged). As presented above, I find no such harm to these designated heritage assets. However, were the Council's position to be accepted, while 'great weight' needs to be given to the asset's conservation, it is material that the impacts that they identify are 'minor' in nature and at the 'lower end of less than substantial'. By any reading of the Council's position, as expressed in their decision, this is this lowest level of harm

to still be material. The weighing exercise that would need to be undertaken if the Council's view of heritage harm was accepted, and the materiality of the Council citing the weight to be given to other 'better locations' are both addressed in the Planning evidence of Mr Cox.

Council Statement of Case

- 5.10. The Council's Statement of Case (CD 9.2) does not further develop the positions presented during the application and in the reasons for refusal. The key positions taken by the Council, in finding harm, seems to be directed to the 'rural setting', and this being 'adversely reduced' (paragraph 71) and the impact on views (paragraph 72). Those points have been addressed above and are thus not repeated here.
- 5.11. Regarding the amended scheme, as accepted by the Inspector, the Council find (at paragraph 74) that this will make no difference to the Reason for Refusal and thus no change to the identified harm. While I disagree with the Council's position on the characterisation of the Appeal Scheme as being industrial and being visible in the important experiences of the Listed Buildings, I find it hard to reconcile the Council's position of harm arising from the Application Scheme (as described above) with its position that this harm would not be ameliorated or at least somewhat reduced by an amended scheme (the Appeal Scheme) that is less visible in the landscape and includes a substantial increase in vegetation / planting.
- 5.12. Lastly, I also consider that the Council's assessment of harm to the Listed Buildings at Little Cheveney Farm and Little Long End is difficult to reconcile with its sensible recognition that there would be no harm to Longends Farmhouse (to the north), Turkey Farm House (to the east) and Great Sheephurst Farmhouse (and its oasthouse; to the south) (see figure 1). This ('no harm') has been the Council's position throughout the application and appeal process (as confirmed in the Draft Statement of Common Ground, CD 10.1). In all of these cases there is change within the rural setting of these heritage assets but only in some cases is it acknowledged that this does not cause harm to significance or the ability to appreciate it. It would not be appropriate to apply some arbitrary distance to scope in or out assets from harm, and that would clearly be contrary to assessment guidance and good practice.

Other relevant representations made during the appeal

- 5.13. In written representations Miss L Jones refers to the effects of the Appeal Scheme on views for the residents (in the most part) at Little Cheveney Farm, looking east

towards the proposed solar farm. These are matters of amenity and would apply equally to those occupying a similar location but not residing in Listed Buildings. In this specific instance there are no designed or deliberate views from these locations (looking east or in any direction). The incidental views of the wider rural landscape are of some limited relevance to heritage significance, as described above, however this rural character would not change.

- 5.14. Representations made by Mr Williams and Ms Spinghall (and others), while also making reference to heritage matters, similarly direct their positions towards views of residents from property windows (dwellings within the Little Cheveney Farm complex), towards the Appeal Site. As above, these are amenity matters of no relevance to heritage significance. Ms Spinghall also refers to characterisation of the rural landscape, post-installation of the scheme. This point is addressed above.

6. CONCLUSIONS

- 6.1. My Proof of Evidence has addressed the potential effects of the Appeal Scheme in relation to designated heritage assets, as identified in the RfR. The RfR suggests that less than substantial harm would occur in relation to the significance of Grade II Listed Little Long End and a group of Grade II Listed Buildings at Little Cheveney Farm, as a result of the change within the settings of these assets brought about by the introduction of the solar farm.
- 6.2. My analysis presented here and that found within the Appeal Statement, both of which were informed by a detailed and robust Heritage Desk-Based Assessment, identifies that the Appeal Site does not feature within any experience of Little Long End, with established vegetation preventing any visual relationship. There are no known functional or historical associations between Little Long End and the Appeal Site, and the arable character of the current use of the Appeal Site is of no relevance to the heritage significance of the asset. The Appeal Scheme would retain and enhance the existing vegetation boundaries, thereby maintaining the current position which prevents any 'co-visibility'. The field patterns will be retained, and the rural character maintained. It is concluded that no harm would be occasioned to the heritage significance of the Grade II Listed Little Long End.
- 6.3. The group of Grade II Listed Buildings at Little Cheveney Farm comprise a farmhouse, barn and oasthouses which have been converted to residential use. While the Appeal Site forms part of the wider rural surroundings to the buildings, its specific current use for arable farming (as opposed to any other rural land use) makes no direct contribution towards their heritage significance. The key views of the assets are had from up close, within their gardens and grounds, where the architectural and historic values (and interrelationship – group value) can be experienced. The better, but still distant views of the northern oasthouse in particular, but other buildings too, that can be had while approaching from the east, along the footpath, are not lost or obscured by the Appeal Scheme. From further afield still, the fleeting, very distant and filtered view of the oasthouse, from private land within the Appeal Site, which would be altered following the introduction of the Appeal Scheme, is not significant to the asset. Should the appeal be allowed, there would no harm to the heritage significance of any of the Grade II Listed Buildings at Little Cheveney Farm.

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- 6.4. The requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that ‘.....*the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*’ (s.66(1)). As has been established in my evidence above, and the assessment that supported the application, the specific current land-use (arable farming, as opposed to rural, more generally) of the Appeal Site makes no contribution to the identified ‘special architectural or historic interest’ of the designated heritage assets. The introduction of the Appeal Scheme within the setting of the proximate Listed Buildings would not materially change the rural character of the place and thus no harm would come to the significance of the assets or how they are experienced. I conclude that their special interest would be preserved.
- 6.5. Paragraph 202 of the NPPF states that where less than substantial harm is identified in relation to designated heritage assets, this should be balanced against the public benefits of the scheme. The conclusion of the assessment demonstrates that there will be **no harm** to the significance of designated heritage assets, and thus paragraph 202 is not engaged.
- 6.6. Policy DM4 of the Maidstone Borough Local Plan states that new developments affecting a heritage asset should incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and its setting. The Appeal Scheme is considered to result in no harm to the significance of the building through alterations to its setting, or the ability to appreciate that significance, therefore the requirements of Policy DM4 are met.
- 6.7. Should the Inspector conclude differently and find harm to these Listed Buildings, of a scale akin to that noted by the Council, i.e., the lower end of less than substantial, such harm should be weighed against the benefits of the Appeal Scheme.

7. REFERENCES

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Andover Office

Stanley House
Walworth Road
Andover
Hampshire
SP10 5LH

t: 01264 347630

Cirencester Office

Building 11
Cotswold Business Park
Cirencester
Gloucestershire
GL7 6BQ

t: 01285 771022

Milton Keynes Office

Unit 8 - The IO Centre
Fingle Drive, Stonebridge
Milton Keynes
Buckinghamshire
MK13 0AT

t: 01908 564660

Suffolk Office

Unit 5, Plot 11, Maitland Road
Lion Barn Industrial Estate
Needham Market
Suffolk
IP6 8NZ

t: 01449 900120

e: enquiries@cotswoldarchaeology.co.uk

