

Appendix 2

Heritage Assessment

Land at A2 London Road Faversham

On behalf of Shepherd Neame Limited

January 2017

Project Ref: 3093

Project Number:	3093
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Date:	January 2017
Document version	M:\HC\Projects\Projects 3001- 3500\3001 - 3100\3093 - London Road A2 Ospringe, Kent\30XXA\Reports\2017.01.15 - A2 Faversham Heritage Statement Final.docx

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1.0 INTRODUCTION

- 1.1 This Heritage Statement has been prepared on behalf of Shepherd Neame Limited by Heritage Collective as an Appendix to accompany the main representation by Milliken & Company in support of the allocation of land adjoining the London Road (A2), Faversham in the emerging Swale Borough Council Local Plan.
- 1.2 The purpose of this statement is:
- i. To summarise the heritage issues relating to the proposed allocation.
 - ii. To provide a response to Reason for Refusal 1 of planning application 16/505555/OUT in relation to heritage matters
- 1.3 Site visits were undertaken on 5 and 13 December 2016 by Dr Jonathan Edis BA MA PhD MCIfA IHBC, Director of Heritage Collective, who is the author of this statement.

2.0 THE PROPOSED ALLOCATION – HERITAGE ISSUES

Policy framework

2.1 In undertaking the planning balance, the decision maker must determine whether harm is caused to the significance of heritage assets. If harm is caused, it is necessary to establish its degree and extent.

2.2 Harm is defined by Historic England as change that erodes the significance of a heritage asset.¹ In turn, the significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents, architectural interest, historical interest, archaeological interest and artistic interest. The setting of the heritage asset can also contribute to its significance. Setting is described in the NPPF as follows:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

2.3 While it is not a prescriptive methodology, guidance on setting is set out by Historic England in Good Practice Advice in Planning 3 (GPA3) published in July 2015. As a general observation, it can be stated that views are normally an important component of the setting of a heritage asset, and that views to and from an asset can be of significance. Views between specific heritage assets can be important, particularly if they are intended, and views within the surroundings of an asset can be especially relevant within designed landscapes.

2.4 The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.

¹ Paragraph 84 of *Conservation Principles* 2008, issued by what was then English Heritage. The definition derives from *South Lakeland* (House of Lords [1992] 2WLR 204 and 2 AC 141) which, in essence, established that preservation means to do no harm.

- 2.5 The NPPF requires the impact on the significance of the heritage asset to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 132 to 134 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and recent case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.²
- 2.6 Paragraph 132 of the NPPF states that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance. Paragraphs 137 and 138 of the NPPF refer specifically to conservation areas, primarily in terms of the management of land within conservation areas. It should be noted that no part of the proposed allocation is within a conservation area³ and that any potential effect on the significance of a nearby conservation area can only take place by way of a change within its setting.

Heritage assets in the vicinity of the proposed allocation

- 2.7 There are two area-based designated heritage assets within the vicinity of the proposed allocation, namely:
- i. Syndale Conservation Area, which is centred on the site of Syndale House, originally known as Judd House, largely destroyed by fire in 1961. Syndale House stood to the south of the modern A2, which is on the alignment of the Roman road known as Watling Street, within the historic parish of Ospringe. The surviving structures are partly in use as a motel.
 - ii. Ospringe Conservation Area, which is centred on Ospringe Street and Water Lane.
- 2.8 The location and extent of Syndale Conservation Area and Ospringe Conservation Area are shown on Figure 3 of the Landscape and Visual Appraisal accompanying application 16/505555/OUT.

² *Nuon* [2013] EWHC 4344 (Admin)

³ For this reason section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act is not engaged, although the desirability of preserving or enhancing a conservation area will nevertheless be an important material consideration to which the decision maker must give considerable importance and weight.

- 2.9 The nearest listed buildings to the proposed allocation are 50-60 Ospringe Street (listed grade II on 3 August 1972), and Lion Lodge, 67 Ospringe Street (listed grade II on 3 August 1972).

Setting and significance of the heritage assets

Syndale Conservation Area

- 2.10 In its character appraisal of Syndale Conservation Area Swale Borough Council identifies four principal features of significance:

- i. Fine landscaped parkland that has matured around the site of a large 17th century house destroyed by fire in 1961.
- ii. Remnants of formal gardens nestling against managed woodland to the south.
- iii. A "scattering" of Roman remains.
- iv. Clusters of traditional service and farm buildings previously associated with the Syndale estate.

- 2.11 Judd House is generally supposed to have been built by Daniel Judd, a mid-17th century businessman who supplied gunpowder and arms to the army and navy, including the New Model Army. The council's appraisal refers twice to the "Capability Brown" landscape around the site of the house, but there appears to be no historical evidence to suggest that the setting of the former country house was designed by a landscape gardener of any particular qualification. Indeed, the surroundings of Judd House appear to have undergone noticeable change in the mid-late 19th century, long after the Capability Brown era, namely:

- The park was not all in the same ownership, occupation or use in 1842, as is demonstrated in Figure 1. There were at least three landowners (Hyde, Hall and Baldock) and at least four different tenants or users of the land within the park, indicating that this was an internally fragmented arrangement rather than a unified design statement under the control of one person or family.

- There were significant changes to the boundaries within the park between the time of the tithe map in 1842 and the O.S. 1:10,560 map published 1872-1877 (compare Figures 1 and 2).
- Part of the park that was stated to be under arable cultivation in 1842 appears to have been planted with trees by the 1870s (compare Figures 1 and 2). Parcel 103 was expressly said to be arable land in the occupation of Joseph Kingsnorth in 1842, and yet the later O.S. map shows a park-like arrangement of clumps of trees, suggesting that some of the landscaping dates from the early Victorian period.

2.12 Moreover, it was in the mid-19th century that the name changed from Judd House (as it was known on the tithe map of 1842) to Syndale House (as it was known at the time of the 1851 census). It should be noted that the landholding does not appear on maps as Judd Park or as Syndale Park, and that there are in fact relatively few references to a park at all.⁴ The speculation that it may once have been a deer park, which appears in the council's appraisal, does not seem to be supported by evidence.

2.13 All the evidence points towards much of the park being a designed local setting for the house about the time it was transformed from Judd House to Syndale House in the early Victorian period. It was not intended to be a dominant statement that could be appreciated within the wider landscape, and it did not "borrow" views from outside its own boundaries. Indeed, the "road plantations" along Watling Street and the parish boundary between Ospringe and Faversham (Figure 1) demonstrate that there was a specific intention to exclude the road and the land to the north of the road from the visual envelope of those within the park.

2.14 The remnants of the formal gardens to the south, and the clusters of service and farm buildings, contribute to the character and appearance of the conservation area, and to its significance, but they perform a localised role that is visually remote from the proposed allocation site.

2.15 The "scattering of Roman remains" is centred on the site of a possible Roman fort between what is now the motel and Watling Street, shown on some O.S.

⁴ It is also relevant that the designated heritage asset is officially called Syndale Conservation Area rather than Syndale Park Conservation Area.

maps as Durolevum. The site is not structurally visible, and it has not been given the status of a scheduled monument. An arm of the conservation area extends north across the A2 to include a more substantial and more visible Roman structure known as Stone Chapel,⁵ which is a scheduled monument thought to be a temple or mausoleum converted into a chapel in the 16th century. Stone Chapel is about 600m west of the proposed allocation site, and about 450m north-west of the motel, in a position where there is no intervisibility with the main features under discussion here.

2.16 It should be noted that the park has not been listed by Historic England, and to that extent its identification and designation as an area of special architectural and historic interest has been made locally by Swale Borough Council.

2.17 In summary, the various elements of significance encapsulated within Syndale Conservation area are:

- Historic interest: The park has been a feature on the south side of Watling Street since the 19th century or earlier, and it probably has origins as a designed landscape around Judd House, a country house that has largely been destroyed.
- Artistic interest: The designed landscape is in the tradition of English landscape parks and gardens dating broadly to the Romantic era.
- Archaeological interest: The conservation area contains a scheduled Roman ruin, and is said to contain the buried remains of a Roman fort.
- Architectural interest: The conservation area contains traditional and service buildings associated with the Syndale estate.

Ospringe Conservation Area

2.18 Ospringe Conservation Area lies to the east and south-east of the proposed allocation site. It contains the built-up part of the linear village settlement, including listed buildings and historic structures that are mostly of post-

⁵ Within the historic parish of Stone, which is to the west of the historic parishes of Faversham and Ospringe.

medieval date. The conservation area is clearly of considerable architectural and historic importance, but it is set to the east of the proposed allocation site and for the most part there is little or no intervisibility between the two.

2.19 The exception to this is at the western end of the conservation area, in the vicinity of the two closest listed buildings known as 50-60 Ospringe Street and Lion Lodge, 67 Ospringe Street. 50-60 Ospringe Street date from the early 19th century and Lion Lodge dates from the 18th century. They are buildings of local architectural interest, with a roadside setting connected to the linear form of Ospringe to the east. There is no particular connection between these buildings and the land to the west. At most, they act as an informal “gateway” to Ospringe when travelling eastward.

2.20 In summary, the various elements of significance encapsulated within Ospringe Conservation Area are:

- Architectural interest: The conservation area contains a number of vernacular buildings of special architectural interest, including the grade II* listed Church of St Peter and St Paul, listed grade II*.
- Historic interest: Ospringe is a medieval settlement and parish, possibly with earlier origins, clearly of special interest.
- Archaeological interest: Ospringe is adjacent to Watling Street and is in an area known to be rich in archaeological remains dating from the Roman period and earlier.
- Artistic interest: Some of the buildings in the conservation area, such as the parish church, are evidently of artistic interest.

Change within the setting of the heritage assets

2.21 The proposed allocation will bring about change within the setting of Syndale Conservation Area and Ospringe Conservation Area. In so doing it will not affect any land that is visually or historically significant to those areas in any significant way. It should be noted that the proposed allocation is within the historic parish of Faversham, to the north of Watling Street, and that the two

conservation areas are focused on land within the historic parish of Ospringe which was largely to the south of Watling Street,

Context – the recent evolution of the proposal site, the park and the A2

2.22 The proposed allocation site was recently in use as an orchard and it has always been functionally and administratively separate from and different from the park to the south of the Roman road. There is no particular historic connection between the park and the proposed allocation site, and the park never “borrowed” views of the allocation site for the enjoyment of those who owned Syndale House. Indeed, the evidence of the 1842 tithe map is that the occupants of the park went out of their way to separate the designed landscape from views of the road and the land to the north (including the proposed allocation site) by creating roadside plantations. The felling of those plantations, probably since the 1960s according to O.S. map evidence, has only opened up the views within living memory. As a result, the effect of traffic on the park has increased in recent decades.

The visual effect of the proposed allocation

2.23 The construction of houses on the allocation site would have the following effects:

- i. It would be visible from eastern side of the park, within Syndale Conservation Area, and it would be visible from a public footpath⁶ that runs across the eastern side of the park
- ii. It would be visible from the western extremity of Ospringe Conservation Area, in the vicinity of the listed buildings known as 50-60 Ospringe Street and Lion Lodge.
- iii. It would alter the perception of both conservation areas for those people standing within the proposed allocation site.

2.24 As far as the significance of Syndale Conservation Area is concerned, the appreciation of three of the four important elements identified by the council

⁶ The public footpath is of course relevant, but the approach to the setting of heritage assets does not usually rely on the availability of public views or access.

will be wholly unaffected. These are (1) remnants of formal gardens nestling against managed woodland to the south (2) the Roman remains, and (3) clusters of traditional service and farm buildings previously associated with the Syndale estate. Insofar as there will be an effect on the “fine landscaped parkland that has matured around the site of a large seventeenth-century house destroyed by fire in 1961” it is relevant that there is no visible evidence of a 17th century house and very little evidence of the “Capability Brown” landscape mentioned by the council. It seems that the park was largely a 19th century creation, and that its characteristics (particularly along the A2 corridor on the northern boundary) have been altered by tree felling within living memory.

- 2.25 In considering the potential visual effect of housing when seen from the park, it is important to consider the possibility of a landscaped buffer within the allocation site that could soften the appearance of the new buildings.
- 2.26 Similar considerations apply to views from Ospringe Conservation Area, although the angle of view from the vicinity of 50-60 Ospringe Street and Lion Lodge would be such that the effect would be very slight indeed. There would be no change within the setting of the listed buildings such as to affect their significance.
- 2.27 Development of the proposed allocation site would provide the opportunity for a landscaped buffer along the A2, providing better access so that more people could enjoy the view into the conservation areas (particularly Syndale Conservation Area) than is the case at present.
- 2.28 The overall effect on the setting of the designated heritage assets would be small, and there would be no material effect on the significance of the listed buildings or the significance of Ospringe Conservation Area. There would be a localised effect on Syndale Conservation Area giving rise to a small reduction in the appreciation of its parkland characteristics. This would not vitiate or drain away the significance of the conservation area, and it would certainly not amount to substantial harm within the meaning in paragraph 133 of the NPPF. At most it would fall at the lower end of “less than substantial harm” within the meaning in paragraph 134 of the NPPF, but in reality it would

amount to much less than substantial harm capable of being outweighed in the planning balance by much less than substantial public benefit.⁷

⁷ The term “much less than substantial harm” was used in paragraph 96 of the recommendation of Inspector Nicholson when describing the effect of a proposed housing development on the setting of a grade II* listed building during an appeal in relation to land north of Birchen Lane, Haywards Heath (APP/D3830/W/15/3137838) which was allowed by the Secretary of State on 8 August 2016.

3.0 RESPONSE TO REASON FOR REFUSAL 1

Planning application 16/505555/OUT

3.1 Planning application 16/505555/OUT is relevant to the extent that it demonstrates the approach to heritage issues by officers of the council when considering a specific design for the development of the proposed allocation site. It was refused for two reasons, the first of which relates to heritage as follows:

“The proposed development would be located immediately to the north of the Syndale Conservation area, the significance of which lies in its open landscaped form, tranquillity and disconnection from the built confines of Faversham. The proposed development would diminish the countryside and landscape setting around Syndale Park and would result in a large housing development in close proximity to the Park, causing substantial harm to this significance. As a result, it would fail to preserve the setting of the conservation area as a designated heritage asset, and would be contrary to policy E15 of the adopted Swale Borough Local Plan, policy DM33 of the emerging Swale Borough Local Plan "Bearing Fruits 2031" (Proposed Main Modifications June 2016) and the National Planning Policy Framework.”

3.2 Most of the heritage issues have been addressed in the previous chapter, but it is relevant to note here that:

- Officers took no issue with regard to effects on the setting of any listed buildings, including 50-60 Ospringe Street and Lion Lodge, 67 Ospringe Street.
- Officers took no issue with regard to effects on the setting of Ospringe Conservation Area.
- Officers took no issue with regard to effects on the setting of the scheduled monument known as Stone Chapel, which is within Syndale Conservation Area, or with regard to the setting of the other non-scheduled Roman remains within the conservation area.

3.3 It should further be noted that there are some factual discrepancies in the first reason for refusal of planning permission, namely:

- The proposed development would not be “immediately” to the north of Syndale Conservation Area. The reason for refusal overlooks the fact that the busy A2 corridor is immediately to the north of Syndale Conservation Area, bringing constant visual change and noise into the park.
- The reason for refusal makes its own assessment of the significance of Syndale Conservation Area that is at odds with the council’s own appraisal. Nowhere in the published appraisal is it said that the significance of the conservation area “lies in its open landscaped form”. Nowhere is the word “tranquillity” used. Nowhere is it suggested that the significance of the conservation area relies on a “disconnection from the built confines of Faversham”.
- The proposed development was said to be a large housing development in close proximity to the park, overlooking the fact that a considerable area of open landscaped space could be provided along the southern margin of the site, including tree planting. In heritage terms this would have the benefit of (1) softening views of the proposed housing when seen from the park and from the western extremity of Ospringe Conservation Area, and (2) extending the designed landscape to the north of the A2 in such a way as to weave the new fabric into the old at a margin of the designation already impaired by vehicular traffic.

3.4 With regard to the assessment of substantial harm, which appears in the reason for refusal and in the officers’ report, this is clearly an overstatement that is in conflict with the high test described in the NPPG and with the *Nuon* judgment described above. The council’s conservation officer is said to have based the assessment of substantial harm on views out of the conservation area being an “integral part of the setting”. For the reasons given more fully above, that assessment is wholly incorrect and should be accorded little weight. Insofar as there would be harm arising from application 16/505555/OUT, it could only reasonably be described as much less than substantial.

4.0 CONCLUSIONS

- 4.1 The development of the proposed allocation will have a small effect on the setting of Syndale Conservation Area. It will bring about visual change in the form of houses and landscaping seen from the north-eastern part of the park, across the A2. The view of the proposed allocation site from the park is not historically significant, and there is clear evidence that those who landscaped the park in the 19th century sought to plant a continuous roadside tree belt so as to visually contain the park along the Watling Street margin.
- 4.2 The development of the proposed allocation will have no effect on the significance of the conservation area as it has been formally identified by the council. In particular, there will be no effect on the remnants of formal gardens nestling against managed woodland to the south, or on the Roman remains, or on the clusters of traditional service and farm buildings previously associated with the Syndale estate. Insofar as there will be an effect on the “fine landscaped parkland that has matured around the site of a large seventeenth-century house destroyed by fire in 1961” it will be much less than substantial, effectively falling below the threshold described in paragraph 134 of the NPPF. At its highest the harm could only be described as falling at the lowest point on the spectrum of less than substantial harm.
- 4.3 There would be no material harm to the setting or significance of Ospringe Conservation Area, or any listed buildings within that conservation area, and indeed there would be very little effect at all.
- 4.4 The officers’ assessment of substantial harm in relation to application 16/505555/OUT is clearly an overstatement based on the mistaken assumption that views of the allocation site are a significant part of the designation. The council’s reason for refusal is based on an alternative assessment of the significance of the conservation area that does not find expression in the published appraisal. Insufficient account was taken of the proposed landscaped buffer within the application site, and the assessment of harm was significantly miscalculated.



Figure 1 – Land ownership and land use around Judd House, from the tithe map of 1842, with coloured explanatory annotations added by Heritage Collective in 2017. Orientation corrected so that north is at the top.

Yellow and Green – Land owned and occupied by John Hyde, described as “Part of Park - Pasture” (86), and “Judd House yard, buildings etc” (87) and “Walled Garden” (99) and “Road Plantation – Wood” (84, 85, 89).

Blue – Land owned by William Hall and occupied by Henry Murton, described as “Part of Park – Pasture” (69a).

Red – Land owned by William Hall and occupied by Thomas Kingsnorth, described as “Part of Park – Pasture” (92a).

Brown – Land owned by Henry William Baldock and occupied by Joseph Kingsnorth, described as “Great Church Field – Arable” (103).

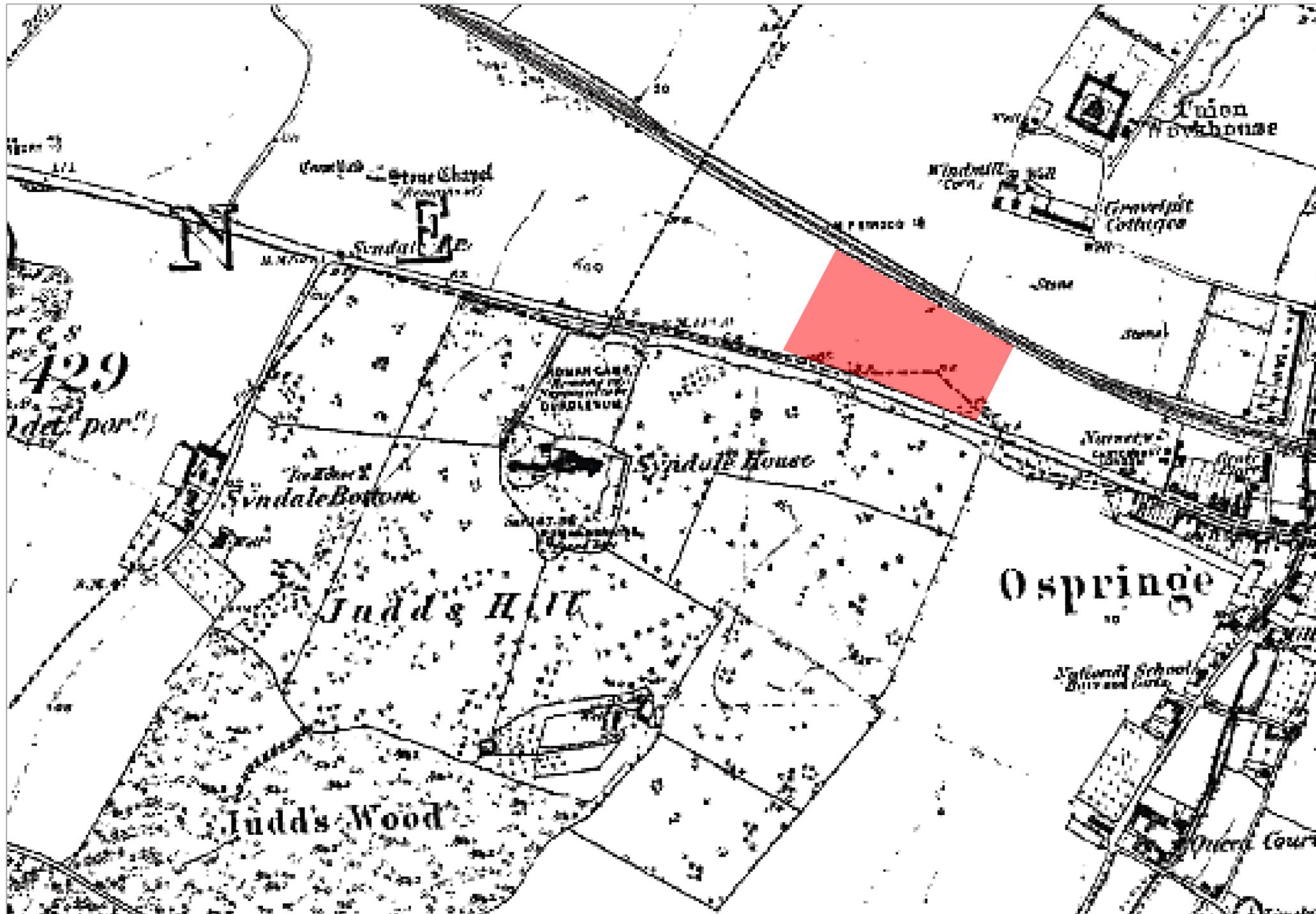


Figure 2 – Extract from the O.S 1:10,560 map published 1872-1877. Note the changes in field boundaries around Syndale House when compared with Figure 1.

The approximate location of the proposed allocation site is shown with a red wash.