

LAND SOUTH-WEST OF
SANDWICH ROAD, **SHOLDEN**

HERITAGE STATEMENT

PREPARED BY PEGASUS GROUP
ON BEHALF OF RICHBOROUGH ESTATES

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

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1. Introduction

1.1 Pegasus Group have been commissioned by Richborough Estates to prepare a Heritage Statement to consider the proposed residential development at Land south-west of Sandwich Road, Sholden in Kent as shown on the Site Location Plan provided at Plate 1.

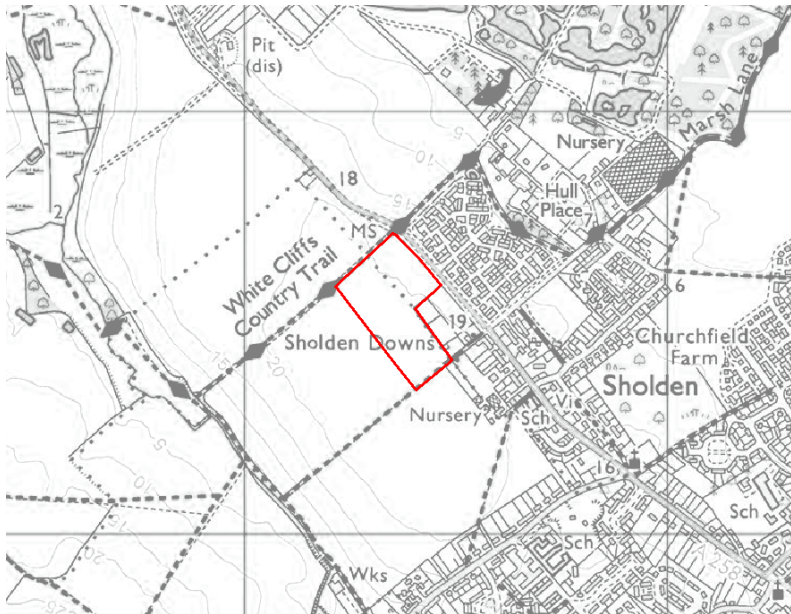


Plate 1: Site Location Plan

¹ Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, February 2019).

1.2 The site is approximately 4.99 ha in area and comprises a single arable land parcel.

1.3 This Heritage Statement provides information with regards to the significance of the historic environment and archaeological resource to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

*"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*²

1.4 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment and archaeological resource, following paragraphs 193 to 197 of the National Planning Policy Framework (NPPF), any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

1.5 As required by paragraph 189 of the NPPF, the detail and assessment in this Report is considered to be "proportionate to the asset's importance"³.

² MHCLG, *NPPF*, paragraph 189.

³ MHCLG, *NPPF*, paragraph 189.

2. Site Description and Planning History

- 2.1 The site is approximately 4.99 ha in area and comprises a single arable field (Plate 2). The site is bounded by agricultural land to the north; residential development (Plate 3) and proposed development to the east; and agricultural land to the south and west.



Plate 2: View north from the eastern extent of the site



Plate 3: View east from the eastern boundary towards modern residential development

- 2.2 Two PROWs lie in the vicinity, along the northern and southern site boundaries.

Planning History

- 2.3 No planning history for the site was identified within recent planning history records held online by Dover District Council.
- 2.4 The following application lies immediately east of the site:

DOV/19/00216 – Land north-west of Pegasus, London Road, Sholden – Outline application for the erection of up to 42 no. dwellings with associated parking and access (all matters reserved except for access). **Application Validated 19th February 2019. Awaiting Decision.**

3. Methodology

3.1 The aims of this Heritage Statement are to assess the significance of the heritage resource within the site, to assess any contribution that the site makes to the heritage significance of the surrounding heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant. This assessment considers the archaeological resource, built heritage and the historic landscape.

Sources of information and study area

3.2 The following key sources have been consulted as part of this assessment:

- The National Heritage List for England for information on designated heritage assets;
- The Kent Historic Environment Record (HER) for information on the recorded heritage resource and previous archaeological works;
- Archival sources, including historic maps, held at the Kent Archives;
- Online resources including aerial photographs; Ordnance Survey Open Source data; geological data available from the British Geological Survey and Cranfield University's Soilscape Viewer; Google Earth satellite imagery; and LiDAR data from the Environment Agency.

3.3 For digital datasets, information was sourced for a 1km study area measured from the boundaries of the site. Following analysis of the data, the study area was reduced to 500m. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as Appendix 1 and maps illustrating the resource and study area are included as Appendix 3.

3.4 Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.

3.5 Heritage assets in the wider area were assessed as deemed appropriate (see Section 6).

Site Visit

3.6 A site visit was undertaken by a Senior Heritage Consultant from Pegasus Group on Thursday 5th November 2020, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

3.7 The visibility on this day was reasonably clear. Surrounding vegetation was not fully in leaf at the time of the site visit and thus a clear indication as to potential intervisibility between the site and the surrounding areas could be established.

Geophysical Survey

- 3.8 A geophysical survey was undertaken within the site and land to the south in November 2020. The results indicate the presence of anomalies indicative of a potential enclosure and linear features. The results of the geophysical survey are detailed in Section 5, and a full copy of the report is in Appendix 5.

Assessment of significance

- 3.9 In the NPPF, heritage significance is defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*⁴

- 3.10 Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*⁵ (hereafter GPA 2) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of

⁴ MHCLG, *NPPF*, p. 71.

⁵ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

⁶ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These

significance of a heritage asset.

- 3.11 In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.⁶ These essentially cover the heritage 'interests' given in the glossary of the NPPF⁷ and the online Planning Practice Guidance on the Historic Environment⁸ (hereafter 'PPG') which are **archaeological**, **architectural and artistic** and **historic**.

- 3.12 The PPG provides further information on the interests it identifies:

- **Archaeological interest:** "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."
- **Architectural and artistic interest:** "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest

heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

⁷ MHCLG, *NPPF*, p. 71.

⁸ Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

is an interest in other human creative skills, like sculpture.”

- **Historic interest:** “An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.”⁹

3.13 Significance results from a combination of any, some or all of the interests described above.

3.14 The most-recently issued guidance on assessing heritage significance, Historic England’s *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*,¹⁰ advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

3.15 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

⁹ MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

¹⁰ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

¹¹ MHCLG, *NPPF*, p. 71.

3.16 As defined in the NPPF:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”¹¹

3.17 Setting is defined as:

“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.”¹²

3.18 Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

3.19 How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*¹³ (henceforth referred to as ‘GPA 3’), particularly the checklist given on page 11. This advocates the clear articulation of “what matters and why”.¹⁴

3.20 In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are

¹² MHCLG, *NPPF*, p. 71.

¹³ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017).

¹⁴ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 8.

affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

- 3.21 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.
- 3.22 A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)¹⁵:

Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship

which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".

Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."

Levels of significance

- 3.23 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

¹⁵ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

3.24 In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and
- **Non-designated heritage assets**. Non-designated heritage assets are defined within the PPG as "buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets".¹⁶

3.25 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

¹⁶ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

¹⁷ *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

3.26 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

3.27 In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss**. It has been clarified in a High Court Judgement of 2013 that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced";¹⁷ and
- **Less than substantial harm**. Harm of a lesser level than that defined above.

3.28 With regards to these two categories, the PPG states:

*"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."*¹⁸

3.29 Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the

¹⁸ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

spectrum and upper end of the less than substantial harm scale.

- 3.30 With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.
- 3.31 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.¹⁹
- 3.32 Preservation does not mean no change; it specifically means no harm. GPA 2 states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".²⁰ Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 3.33 As part of this, setting may be a key consideration. For an

¹⁹ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

²⁰ Historic England, *GPA 2*, p. 9.

evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating "what matters and why". Of particular relevance is the checklist given on page 13 of GPA 3.

- 3.34 It should be noted that this key document also states that:

"Setting is not itself a heritage asset, nor a heritage designation..."²¹

- 3.35 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

- 3.36 With regards to changes in setting, GPA 3 states that:

"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".²²

- 3.37 Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.²³

²¹ Historic England, *GPA 3*, p. 4.

²² Historic England, *GPA 3*, p. 8.

²³ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

Benefits

3.38 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance

the heritage values and hence the significance of the assets concerned.

4. Planning Policy Framework

4.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

Legislation

4.2 Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,²⁴ which provides statutory protection for Listed Buildings and Conservation Areas.

4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*²⁵

4.4 In the 2014 Court of Appeal judgement in relation to the

Barnwell Manor case, Sullivan LJ held that:

*"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."*²⁶

4.5 A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.²⁷

4.6 In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservation Area) Act 1990, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate

²⁴ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

²⁵ *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

²⁶ *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24.

²⁷ *Jones v Mordue* [2015] EWCA Civ 1243.

otherwise.²⁸

National Planning Policy Guidance

The National Planning Policy Framework (February 2019)

- 4.7 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous NPPF 2018 which in turn had amended and superseded the 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.
- 4.8 The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.
- 4.9 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the

other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

- 4.10 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*

²⁸ UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

b. *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*

i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

a. *approving development proposals that accord with an up-to-date development plan without delay; or*

b. *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

i. *the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*²⁹

4.11 However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."*³⁰ (our emphasis)

4.12 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

4.13 Heritage Assets are defined in the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage

²⁹ MHCLG, *NPPF*, para. 11.

³⁰ MHCLG, *NPPF*, para. 11, fn. 6.

assets and assets identified by the local planning authority (including local listing).³¹

4.14 The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."³² (our emphasis)

4.15 As set out above, significance is also defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."³³

4.16 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 that:

"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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict

³¹ MHCLG, *NPPF*, p. 67.

³² MHCLG, *NPPF*, p. 66.

³³ MHCLG, *NPPF*, p. 71.

between the heritage asset's conservation and any aspect of the proposal."³⁴

4.17 Paragraph 192 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c. the desirability of new development making a positive contribution to local character and distinctiveness."³⁵*

4.18 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts

³⁴ MHCLG, *NPPF*, para. 190.

³⁵ MHCLG, *NPPF*, para. 192.

*to substantial harm, total loss or less than substantial harm to its significance.*³⁶

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*³⁷

4.19 Section b) of paragraph 194, which describes assets of the highest significance, also includes footnote 63 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

4.20 In the context of the above, it should be noted that paragraph 195 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities

³⁶ MHCLG, *NPPF*, para. 193.

³⁷ MHCLG, *NPPF*, para. 194.

should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*³⁸

4.21 Paragraph 196 goes on to state:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*³⁹

4.22 With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into

³⁸ MHCLG, *NPPF*, para. 195.

³⁹ MHCLG, *NPPF*, para. 196.

*account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*⁴⁰

- 4.23 Footnote 63 of the NPPF clarifies that non-designated assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.
- 4.24 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

- 4.25 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of

⁴⁰ MHCLG, *NPPF*, para. 197.

previous planning practice guidance documents were cancelled.

- 4.26 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 4.27 The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important and states:

*"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."*⁴¹

- 4.28 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale

⁴¹ MHCLG, *PPG*, paragraph 007, reference ID: 18a-007-20190723.

of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”⁴² (our emphasis)

Local Planning Policy

- 4.29 Planning applications within Sholden are currently considered against the policy and guidance set out within the Dover District Local Development Framework Core Strategy (adopted February 2010). This includes the following relevant policy:

DM 19 – Historic Parks and Gardens

Permission will not be given for development proposals that would adversely affect the character, fabric, features, setting, or views to and from the District’s Historic Parks and Gardens.

Local Plan Policies with regards to the NPPF and the 1990 Act

- 4.30 With regard to Local Plan policies, paragraph 213 of NPPF states that:

“...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the close the policies in the plan to the policies in the Framework, the greater the weight that may be given).”⁴³

- 4.31 In this context, where local plan policy was adopted well before the NPPF, and does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within paragraph 196 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 197) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the decision-making process.
- 4.32 In this case, although the Core Strategy and Policy DM 19 are of relevance, they were adopted prior to the inception of the NPPF, and as so the weight which can be attributed to them will be determined by their consistency with the policy guidance set out within the NPPF. Since the above policy does not allow for a balanced judgement to be undertaken by the decision maker, the policy is not considered to reflect the guidance within the NPPF and therefore considered to be out of date.

Emerging Policy

- 4.33 Dover District Council is currently preparing a New Local Plan for

⁴² MHCLG, *PPG*, paragraph 018, reference ID: 18a-018-20190723.

⁴³ MHCLG, *NPPF*, p. 213.

the period 2020 to 2040. No draft policies were available at the

time of writing this assessment.

5. The Historic Environment

5.1 This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains.

5.2 Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix EKE and HER 'monument' numbers have the prefix MKE.

5.3 A gazetteer of relevant heritage data is included as Appendix 1. Designated heritage assets and HER records are illustrated on Figures 1-3 in Appendix 4.

Previous Archaeological Works

5.4 A geophysical survey was undertaken within the site and land to the south in November 2020. The results indicate the presence of anomalies indicative of a potential enclosure and linear features which had been recorded within the site during aerial photograph assessment as part of the National Mapping Programme. The results of the geophysical survey are detailed in Section 5, and a full copy of the report is in Appendix 5.

5.5 Previous archaeological works recorded in the study area are depicted on Figure 2 and comprise the following:

- Evaluation for the proposed site of a Safeway store in the field immediately north-east of the site in 1993 (EKE5011);

- Desk-based assessment, evaluation and watching brief of land to the north-west of Sholden immediately north-east of the site in 2010 and 2013 (EKE13282, 16915);
- Watching brief at Hull Place c. 335m north-east of the site in 1991 (EKE4877);
- Excavation at Hull Place Park c. 370m north-east of the site in 1922 (EKE4750); and
- Evaluation at Church Lane c. 435m east of the site in 2013 (EKE13286).

5.6 The results of these works are discussed below, where relevant to the potential archaeological resource of the site.

Topography and geology

5.7 The topography of the site varies from approximately 5m aOD in the western extent and rises to approximately 20m aOD in the north-eastern and south-eastern areas of the site.

5.8 The solid geology of the site is mapped as Seaford Chalk Formation comprising chalk formed between 89.8 and 83.6 million years ago during the Cretaceous period. The superficial geology of the north-eastern extent of the site is mapped as Head comprising clay and silt formed between 2.588 million years ago and the present during the Quaternary period. No superficial geology is mapped within the remaining site area.

Archaeological Baseline

Palaeolithic (pre. c. 8000 BC), Mesolithic (c. 8000 BC – c. 4000 BC) and Neolithic (c. 4000 BC – c. 2500 BC)

- 5.9 No archaeological finds or features dating to the early prehistoric periods have been recorded within the site or within the wider study area.
- 5.10 The Stour Palaeolithic Character Areas identify the land within the eastern part of the site as part of the Brickearth Spreads in the Sholden and Worth areas, and within the western part of the site as Chalk downs north and north-west of Dover. The likelihood of recording evidence of Palaeolithic activity in both of these areas is regarded as 'moderate', and if present these would be considered to be of 'moderate importance'.
- 5.11 Due to the scarcity of finds recorded within the study area of Palaeolithic, Mesolithic and Neolithic date, the archaeological potential of the site for activity of this date is considered to be low.

Bronze Age (c. 2500 BC – c. 700 BC) and Iron Age (c. 700 BC – AD 43)

- 5.12 A large number of cropmark and soil marks have been recorded within the site and its vicinity during the National Mapping Programme and have been transcribed and are depicted on Plate 4. An enclosure and part of a linear feature were recorded within the site on aerial photographs, which were also picked up during the geophysical survey within the site (Plate 5).



Plate 4: Map of cropmarks from the National Mapping Programme



Plate 5: The results of the geophysical survey showing anomalies within the site

5.13 A concentration of seven ring ditches has been allocated a grid reference within the site at TR 354 524 by the HER, although these are mainly focused to the west of the site (MKE7410). These may be contemporary with the cropmark of the enclosure within the site, although the nature of this feature indicates that it may have originated during the Iron Age period, and continued in use into the Romano-British period (MKE7415).

5.14 A round barrow cemetery was identified by the HER c. 330m south-west of the site at TR 351 522 (MKE7414), and a further group of five ring ditches has been noted on the HER as c. 190m west of the site at TR 352 523 (MKE7409).

5.15 A number of findspots of Iron Age date have been recorded in the study area, predominantly focused to the west of the site. These findspots recorded in the wider study area are listed in Appendix 2.

Romano-British (AD 43 - 410)

5.16 The site of Sholden Roman villa was recorded c. 430m north-east of the site during the early 20th century (MKE7306, EKE4750). Tile fragments of Roman date were noted during the laying out of the gardens at Hull Place and subsequent excavation in 1922 identified concrete foundations and frescoes indicative of a villa complex. During a watching brief for the laying of a pipe, five ditches were identified with Roman pottery in their fills, as well as several pits c. 365m north-east of the site (MKE17325, 4877). These have been interpreted as field boundaries and other peripheral activity of several phases, most likely associated with the villa complex.

5.17 Two parallel ditches, interpreted as a trackway, six pits containing occupation material, a cremation burial and a pit containing a chalk slab were recorded c. 265m east of the site prior to the construction of residential development (MKE110692, EKE5011, 16915). The trackway led towards Sholden villa to the north-east. The pits were considered to have

been used for the disposal of rubbish and contained a large amount of pottery and other material. A cat had been placed into one of the pits after death. The finds suggest a domestic context of mid to late 2nd-century date. The cremation comprised an adult male which was associated with two pottery vessels.

- 5.18 During evaluation in the field immediately north-east of the site in 1993, two ditches were recorded c. 35m east of the site (MKE15886, EKE5011). One of the ditches contained Roman pottery of 2nd to 3rd-century date.
- 5.19 A number of finds of Romano-British date have been recorded in the study area, predominantly focused to the north-west of the site which were all made out of copper alloy. These are listed in Appendix 2.

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

- 5.20 The site was historically located in the parish of Sholden and most likely formed part of the agricultural hinterland to this settlement during the medieval period. No early medieval or medieval finds or features have been recorded within the site.
- 5.21 The Church of St Nicholas lies c. 500m south-east of the site (MKE26762). The church originated during the 13th century as a chapelry of Northbourne, the settlement of which is located to the north-west of the site.
- 5.22 A large number of findspots have been recorded in the study area of early medieval and medieval date, predominantly focused to the south and west of the site. These are listed in Appendix 2.

Post-medieval (1540 – 1800) and Modern (1801 – present)

- 5.23 The site is depicted on the Sholden Tithe Map of 1840 (Plate 6). The site comprised part of 10 unenclosed arable land parcels which were under five different ownerships and occupancies.



Plate 6: Extract from the Sholden Tithe Map of 1840

5.24 The site is depicted on the Ordnance Survey Map of 1877 (Plate 7). The site comprised part of two large land parcels and the area was labelled as *Sholden Downs*. A small number of trees are depicted along the field boundary between the two land parcels. Two PRoWs are depicted along the northern and southern site boundaries. A milestone lies c. 75m north of the site which reads 'Sandwich 4 ~ Deal 2' (MKE97756). This was likely to have been manufactured during the post-medieval to modern periods.

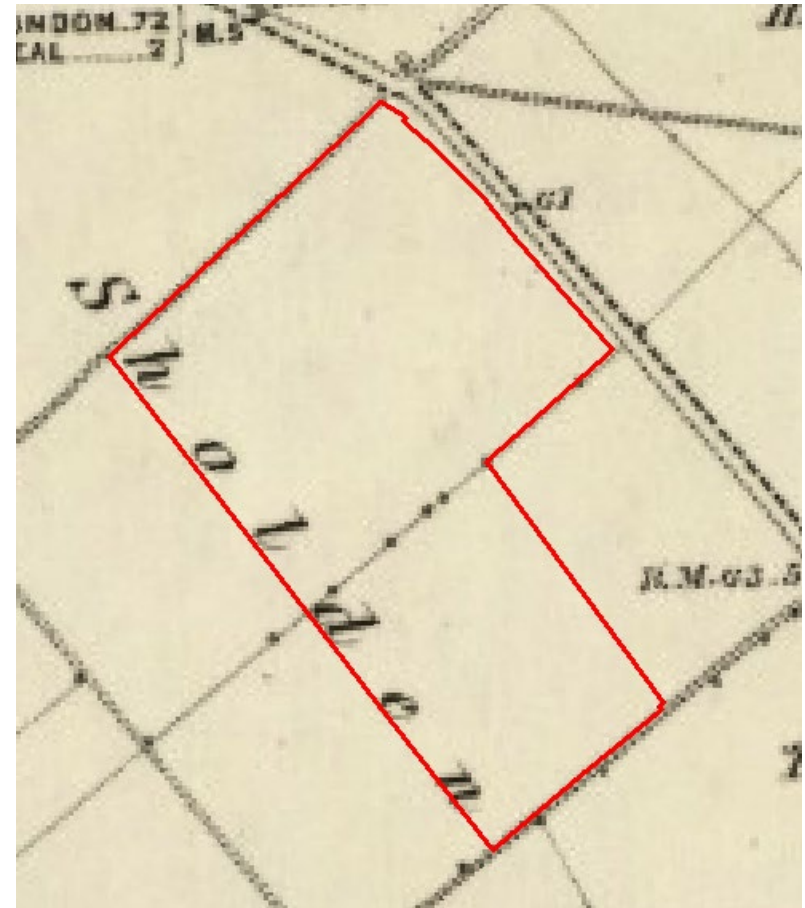


Plate 7: Extract from the Ordnance Survey Map of 1877

5.25 The site is depicted on the Ordnance Survey Map of 1899 (Plate 8). The site comprised part of one large land parcel. A number of 'stones' have been depicted within and in the surrounds of the site.

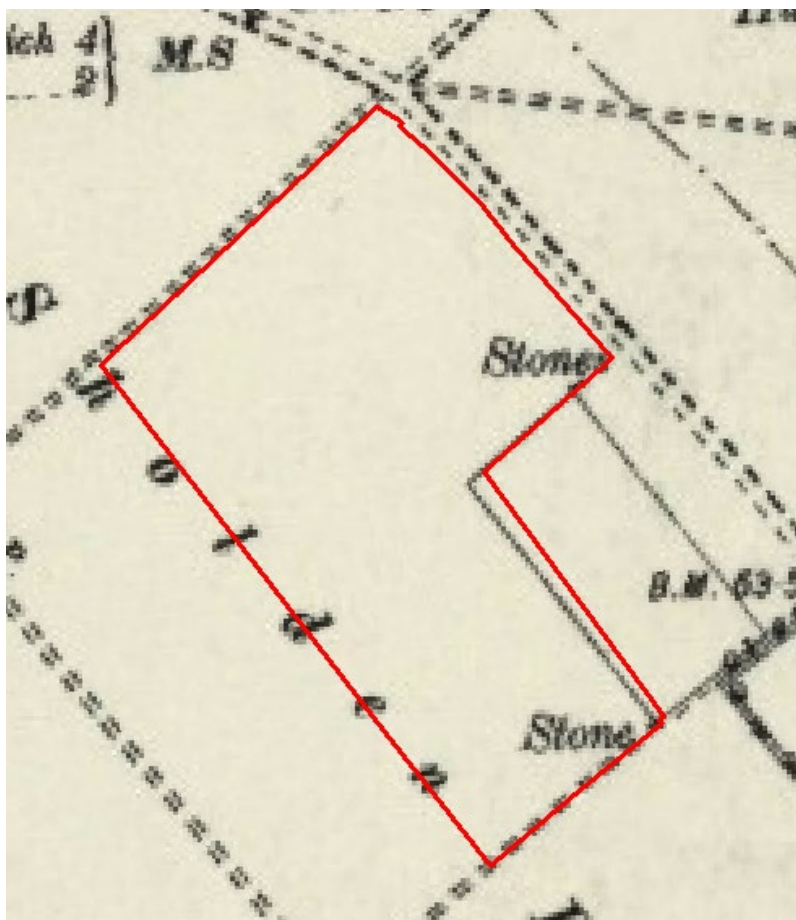


Plate 8: Extract from the Ordnance Survey Map of 1899

5.26 No major changes are depicted within the site on the Ordnance Survey Map of 1907 (Plate 9).

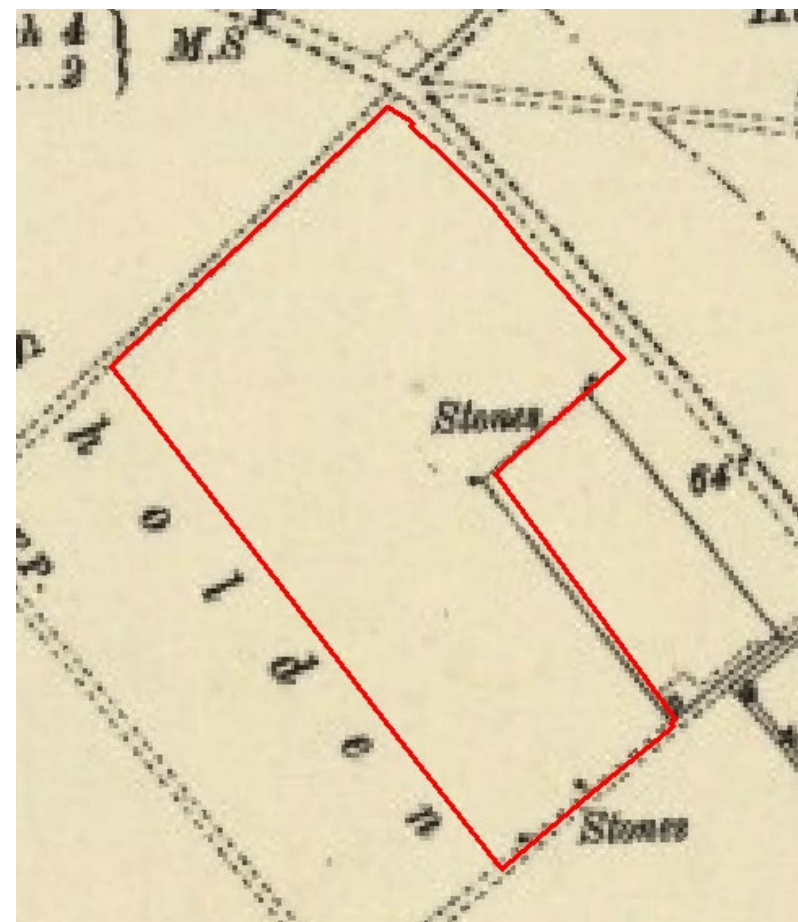


Plate 9: Extract from the Ordnance Survey Map of 1907

- 5.27 The site is depicted on the Ordnance Survey Map of 1950 (Plate 10). Development in the surrounds of the site was depicted along Sandwich Road.

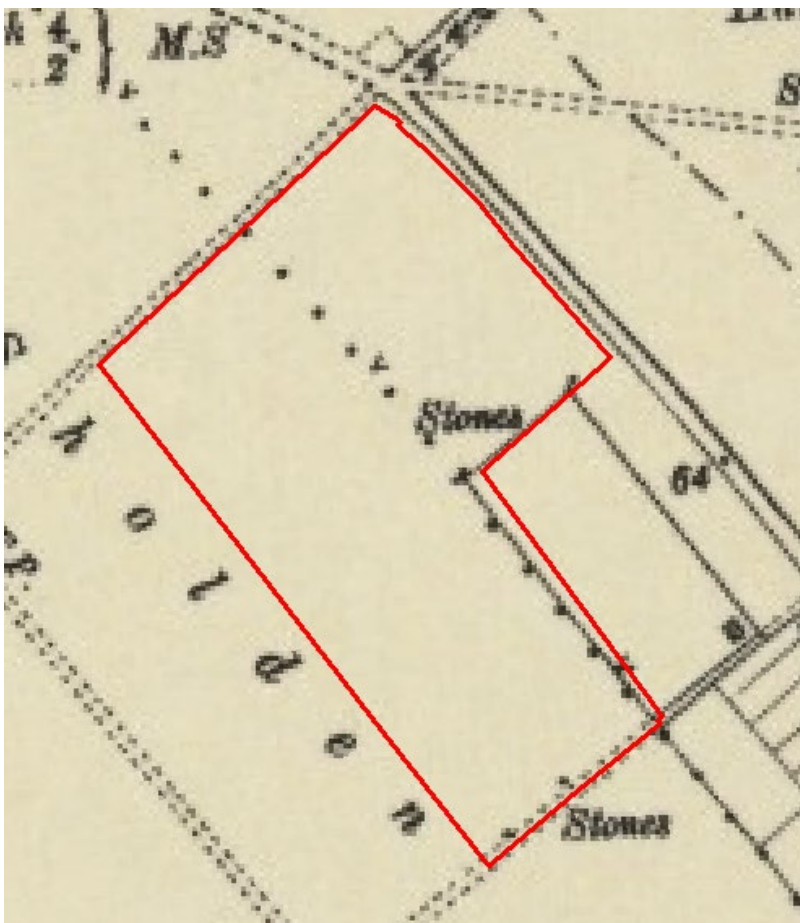


Plate 10: Extract from the Ordnance Survey Map of 1950

The wider area

- 5.28 A number of buildings and structures were constructed within the study area during the post-medieval to modern periods. Farmsteads were also recorded in the wider surrounds of the site. These are listed in the table in Appendix 1.
- 5.29 A large number of findspots of post-medieval to modern date have been recorded within the study area. These are listed in Appendix 2.
- 5.30 A Voluntary Aid Detachment (VAD) hospital from the First World War was recorded c. 425m east of the site at Sholden Hall (MKE98151).

Undated

- 5.31 A number of features have been identified as cropmarks within the study area. These comprise the following:
- Enclosure c. 205m west of the site (MKE76264);
 - Linear features c. 265m west of the site (MKE76263);
 - Ring ditch c. 300m west of the site (MKE91260);
 - Linear feature c. 300m west of the site (MKE80378);
 - Enclosure c. 305m north-west of the site (MKE76265);
 - Six ring ditches c. 430m west of the site (MKE7483); and
 - A goal post enclosure c. 480m west of the site (MKE78372).

5.32 A number of findspots of uncertain date have also been recorded within the study area. These are listed in Appendix 2.

Statement of Archaeological Potential and Significance

5.33 Due to the scarcity of finds recorded within the study area of Palaeolithic, Mesolithic and Neolithic date, the archaeological potential of the site for activity of this date is considered to be low.

5.34 Cropmarks and soil marks have been identified within the site on aerial photographs and as part of the National Mapping Programme comprising an enclosure and linear features. The geophysical survey within the site also identified these features. Although of uncertain date, the form and nature of these features is indicative of features of later prehistoric to Romano-British date. On the basis of the above, the potential for archaeological remains of prehistoric date within the site is considered to be high. However, there is no current evidence to suggest that these remains would be of a significance commensurate with a Scheduled Monument, and the remains present are likely to comprise a non-designated heritage asset.

5.35 As part of the scheme, residential development is proposed in the area where these features were identified which would result in the disturbance and/or removal of below-grounds archaeological remains. As such, any harm resulting from the proposed development to the asset should be weighed against the public benefits of the proposed scheme in line with paragraph 197 of the NPPF.

5.36 Romano-British activity has been recorded in the wider study area, although none has been recorded within the site itself. The site of Sholden Roman villa was recorded c. 430m north-east of the site which was associated with trackways and field boundaries. A ditch of potential Roman date was recorded during evaluation in the field east of the site. Due to its orientation, this is not considered likely to have continued into the site. The potential for significant archaeological remains of Romano-British date within the site is considered to be low.

5.37 The site was most likely to have been part of the agricultural hinterland to Sholden from at least the medieval period. Medieval settlement activity was focused to the east of the site. A small number of finds of medieval date were identified within the site. The potential for significant archaeological remains of medieval date within the site is considered to be low.

5.38 The land within the site was historically used as arable land, known as *Sholden Downs*. Numerous buildings and structures were constructed in the post-medieval to modern landscape within the study area which were focused at Sholden and Great Mongeham. The potential for significant archaeological remains of post-medieval and modern date is considered to be low.

Designated Heritage Assets

5.39 No designated heritage assets are located within the site.

5.40 The Grade II Listed Sholden Hall lies c. 435m south-east of the site (1264296). The Grade II* Listed Church of St Nicholas lies c. 500m south-east of the site and is associated with two Grade

II Listed Tomb Chests and headstones (1237584, 1264004, 1237026).

5.41 The Mongeham Road, Great Mongeham Conservation Area lies c. 610m south-west of the site. The Conservation Area includes nine Grade II Listed Buildings. The Church Great Mongeham Conservation Area lies c. 1.08km south-west of the site and includes one Grade II* and four Grade II Listed Buildings.

5.42 The Grade II Listed Hull Place lies c. 295m north-east of the site

(1237023). Three Grade II Listed Buildings are associated with Hull Place (1237024-5, 1264295).

5.43 The Grade II* Registered Park and Garden at Northbourne Court lies c. 1.03km west of the site (1000180).

5.44 Designated heritage assets in the vicinity of the site are considered in further detail in the Setting Assessment Section below.

6. Setting Assessment

- 6.1 Step 1 of the methodology recommended by the Historic England guidance GPA 3 (see Methodology above) is to identify which heritage assets might be affected by a proposed development.
- 6.2 Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.3 Consideration was made as to whether any of the heritage assets present within or beyond the 1km study area include the site as part of their setting, and therefore may potentially be affected by the proposed development.

Step 1

- 6.4 Assets in the vicinity identified for further assessment on the basis of distance and potential intervisibility comprise:
- **The Grade II* Listed Church of St Martin c. 1.16km south-west of the site (1069782);**
 - **The Grade II* Registered Northbourne Court Park and Garden c. 1.03km west of the site (1000180); and**
 - **The Grade I Listed Church of St Augustine c. 1.9km west of the site (1237005).**

- 6.5 Other assets have been excluded on the basis of distance, and/or a lack of intervisibility, and/or a lack of historical, functional association and the nature of the development which will extend existing built form at Sholden.

Step 2

Church of St Martin

- 6.6 The Grade II* Listed Church of St Martin lies c. 1.16km south-west of the site (1069782). As a Grade II* Listed Building, this is considered to be a designated heritage asset of the highest significance.
- 6.7 The parish church was constructed during the 12th century with 13th-, 14th- and 15th-century alterations, and was much restored during the mid-19th century. The church was constructed out of flint within stone quoins and dressings with a plain tiled roof (Plate 11).
- 6.8 The asset lies within an associated churchyard which surrounds the church. The Grade II Listed Gravestone/Cross immediately south west of the tower of the Church of St Martin is also located within the churchyard (1069755). The wider surrounds of the asset comprise agricultural land to the north and residential development to the east, south and west.



Plate 11: The Grade II Listed Church of St Martin*

6.9 The church is best appreciated from its associated churchyard, from where it can be experienced and understood. There are also views towards the church tower from within the immediate settlement and the surrounding agricultural land (Plates 12-13).



Plate 12: View north towards the church from within the surrounding settlement



Plate 13: View west towards the church tower from the PRow to the east



Plate 14: View west from the western site boundary towards the church tower

6.10 Due to the topography of the site and the wider landscape, there are views from within the site towards the church tower, including from the PRow along both the northern and southern boundaries of the site (Plates 14-15).



Plate 15: View west from the PRoW adjacent to the southern site boundary towards the church tower



Plate 16: View east from within the churchyard in the direction of the site, glimpsed, distant views available

- 6.11 There are glimpsed, distant views from within the churchyard towards the site, which includes intervening vegetation and agricultural land (Plate 16).

- 6.12 There are also a large number of views towards the church tower from the wider landscape, due to the topography of the area, and from PRoWs to the north towards Northbourne. These comprise longer-range views towards the church tower, similar to how it is seen from within the site (Plate 17).



Plate 17: View south from the PRoW to Northbourne towards the church tower

- 6.13 There is no known historical or functional association between the land within the site and the church.
- 6.14 The Church of St Martin principally derives its significance from the architectural, artistic and historic interest of its built form and as an example of a medieval church constructed during the

12th century.

- 6.15 As well as this, the church also derives a small amount of its significance from its setting. The setting of the church primarily comprises its associated churchyard and the settlement at Great Mongeham which it serves, which contribute to the significance of the asset. The surrounding settlement and immediately adjacent agricultural land to the east where the church can be appreciated from also contributes to its heritage significance as areas from where the church is experienced and part of its historic rural setting.
- 6.16 As stated above, there are numerous locations within the site from where the church tower is visible. In heritage terms, the key issue with regard to such views is the degree to which they contribute to the overall heritage significance of the asset, via its setting.
- 6.17 The degree to which views of a Church from within the surrounding landscape contribute to the overall heritage significance of a Church has been a matter discussed at a number of recent Planning Appeals. Within the resulting decisions, the relevant Inspectors have identified the following key points:

"The fact that the tower can be seen from the surrounding area does not automatically mean that this wider agricultural landscape has significance as part of the church's setting. Seeing a church tower or spire within the landscape is a relatively common feature in the English countryside, as are networks of footpaths leading from a rural hinterland to a village

*with a church as its centre. Similarly, views out from the top of the church tower over the landscape, which can only be obtained by prior appointment, does not give those surrounds significance just because of the visual connection.*⁴⁴

*"Churches are often prominent from the wider landscape, but the church serves people, not landscapes...It is because churches are so often visible in the wider landscape that the Historic England guidance deals with views of churches specifically. It tells us that church towers and spires are often widely visible, but development is unlikely to affect significance unless the development (i) competes with the church, as a tower block or turbine might, or (ii) the development impacts upon a designed or associative view.*⁴⁵

- 6.18 With specific regard to Historic England guidance on the consideration of Churches, *The Setting of Heritage Assets* states the following:

"Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the

*development impacts on its significance, for instance by impacting on a designed or associative view.*⁴⁶

- 6.19 Based upon the above, it is considered that the views of the Church spire from within the wider surround landscape to the west represent incidental views which provide little understanding as to the asset, or experience and appreciation of its architectural and historic interest.
- 6.20 The proposed development within the site would result in the construction of modern residential development some distance to the east of the church, and the character of the land will be altered from agricultural to built form. The majority of views from along the PRoWs in the vicinity of the site will be retained with a small number blocked closer to the Sandwich Road end, and new views from within the site, an area which was not previously publicly accessible, will be created. Agricultural land in the immediate and slightly wider surrounds will be retained. There is no historical or functional association between the land within the site and the asset and the land within the site is not considered to contribute to the heritage significance of the Listed Building. The proposed development would result in no harm to the heritage significance of the Grade II* Listed Church of St Martin through changes to setting.

⁴⁴ APP/C1570/W/19/3226302

⁴⁵ APP/D3505/W/18/3214377

⁴⁶ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 7.

Northbourne Court

- 6.21 The Grade II* Registered Northbourne Court Park and Garden lies c. 1.03km west of the site (1000180). The Park and Garden contains five Listed Buildings, two of which are Grade II* Listed, and the remaining three are Grade II Listed Buildings. The eastern extent of the Northbourne Conservation Area includes some of the Park and Garden. As a Grade II* Registered Park and Garden, this is considered to be a designated heritage asset of the highest significance.
- 6.22 Northbourne belonged to a Saxon King who, in AD 618, gave the Manor and land to the Abbot of St Augustine's of Canterbury, in whose ownership it was still recorded during the Domesday Survey. Northbourne Manor became Crown Property following the Dissolution and was gifted to new owners on a number of occasions. It is currently in private ownership.
- 6.23 A mansion was constructed at Northbourne during the early 17th century, in the location of the site of the monastic grange of St Augustine, and it is likely that the terraced gardens may have been contemporary. This mansion was demolished in 1750 and was replaced by the current Northbourne Court, constructed during the late 18th century (Plate 18).



Plate 18: View north-west from the PRoW which crosses the park towards Northbourne Court (Grade II Listed)

- 6.24 The Park and Garden lies adjacent to the eastern end of the settlement at Northbourne and comprises 3ha of formal and ornamental gardens, and 20 ha of parkland with small areas of woodland. The asset lies on the slopes and floor of a shallow valley.
- 6.25 The gardens and pleasure grounds consist of a series of four walled compartments located to the south, south-west and west of the main house. The park lies to the north and north-east of the walled gardens, located on the north-west and south-eastern slopes of the valley. The majority of the parkland is utilised for grazing and contains small clumps of woodland. The

parkland was laid out during the 19th century. Historic mapping from the late 19th century depicts the parkland as extending further east, within c. 290m west of the site, although this has since contracted during the 20th century to its current size.

- 6.26 The wider surrounds of the Park and Garden comprise a mixture of agricultural land, woodland, industrial buildings and the settlement at Northbourne to the west.
- 6.27 The asset is accessed by a formal approach to the north-west along a drive from the north-eastern extent of the settlement. A large gateway lies to the south-west within the boundary wall which gives access to the gardens and may have formed the entrance to the site of an earlier house.
- 6.28 The Registration description notes views between the present Northbourne Court and the immediate gardens and pleasure grounds, including the terraces which formed a viewing mount. No views are mentioned from the parkland to the wider landscape.
- 6.29 Due to the topography of the parkland, located on the slopes of a valley, this allows some views out into the wider landscape, although these contain a large amount of intervening agricultural land and vegetation, as well as including modern residential development at Sholden Fields, to the north-east of the site (Plate 19).



Plate 19: View east from the PRoW within the parkland towards the land within the site (glimpsed, distant views possible)

- 6.30 Views to and from the land within the site and Northbourne Court are not considered to be key views. As stated in the Registration description, intended views were focused within the immediate gardens and pleasure grounds. There are no noted designed views within, across or out of the parkland.
- 6.31 There is no known historical, functional association between the land within the site and the Park and Garden at Northbourne Court. As stated above, the Park and Garden previously occupied a larger area, and extended within c. 290m west of the site during the late 19th century. It has since contracted in size.

- 6.32 Northbourne Court Park and Garden principally derives its significance from its archaeological, artistic and historical value as an example of a designed landscape which originated during the early 17th century, and a parkland which was laid out during the 19th century. The Park and Garden were deliberately laid out around Northbourne Court.
- 6.33 As well as this, the Park and Garden also derives some of its significance through setting. The Park and Garden was deliberately laid out across the slopes and floor of a shallow valley which contributes to the significance of the asset. The location of Northbourne Court was formerly the location of the monastic grange of St Augustine, which has a historical association with the Church of St Augustine to the north-west, and the settlement of Northbourne where it is located, which are also considered to contribute to the heritage significance of the Park and Garden. Agricultural land immediately to the north, east and south of the asset may be considered to contribute to its heritage significance through settings as part of its historic rural setting in these directions.
- 6.34 The land within the site forms an area of agricultural land located in the wider setting of the Park and Garden. The land within the site is not considered to contribute to the heritage significance of the asset.
- 6.35 The proposed development would result in the construction of modern residential development to the west of Sholden which would alter the character of the existing agricultural land to built

form. This development is not considered to impact on the sense of isolation to the east and south of Northbourne Court Park and Garden. There is intervisibility between the land within the site and the asset, although the views are not considered to be key views, and there are distant views towards existing modern residential development beyond the site when viewed from within the parkland. There is no historical functional association between the Park and Garden and the site and the land within the site is not considered to make a contribution to the heritage significance of the asset. On this basis, the proposed development within the site will result in no harm to the heritage significance of the Grade II* Registered Park and Garden at Northbourne Court.

Church of St Augustine

- 6.36 The Grade I Listed Church of St Augustine lies c. 1.9km west of the site (1237005). As a Grade I Listed Building, this is considered to be a designated heritage asset of the highest significance.
- 6.37 The parish church was constructed during the 12th century with 13th- and 14th-century alterations, out of flint with a plain tiled roof in a cruciform shape with a squat, central tower and low spire (Plate 20).



Plate 20: The Grade I Listed Church of St Augustine

- 6.38 The church is located within an associated churchyard which surrounds the asset. The wider surrounds comprise agricultural

land to the north; residential development and a recreation ground to the east; and residential development to the south and west.

- 6.39 The architectural design of the church is best appreciated from its associated churchyard, although there are other close-range views towards the asset from where it can be experienced and understood, including views from within the settlement of Northbourne and from the recreation ground (Plates 21-22).



Plate 21: View north-west from the PRoW towards the church



Plate 22: View north-west from the Recreation Ground towards the church tower

6.40 There are also views from within the site towards the tower of the Church of St Augustine (Plates 23-24). These views include a large amount of intervening agricultural and woodland which screens the remainder of the settlement at Northbourne. These views are considered to be incidental, rather than key or designed views.



Plate 23: View west from within the site towards the church tower



Plate 24: Zoomed in version of Plate 23

- 6.41 There are also views towards the church tower from the PRoWs along the northern and southern boundaries of the site. The church tower also remains visible along the continuation of these PRoWs.
- 6.42 There is no visibility from the churchyard of the Church of St Augustine in the direction of the site due to the presence of intervening, mature vegetation which bounds it (Plate 25).



Plate 25: View east from within the churchyard in the direction of the site (no intervisibility)

- 6.43 There is no known historical or functional association between the land within the site and the asset.
- 6.44 The Church of St Augustine principally derives its significance

from the architectural, artistic and historic interest of its built form and as an example of a medieval church constructed during the 12th century.

- 6.45 As well as this, the church also derives a small amount of its significance from its setting. The setting of the church primarily comprises its associated churchyard and the settlement at Northbourne which it serves, which contribute to the significance of the asset. The surrounding settlement and immediately adjacent agricultural land to the north where the church can be appreciated from also contribute to its heritage significance as areas from where the church is experienced and part of its historic rural setting.
- 6.46 As stated above, there are distant views towards the church tower from within the site. In heritage terms, the key issue with regard to such views is the degree to which they contribute to the overall heritage significance of the asset, via its setting. These are not considered to be designed views, but are incidental views which provide little understanding of the asset, or experience and appreciation of its architectural and historic interest.

The proposed development within the site would result in the construction of modern residential development a large distance to the east of the church, and the character of the land will be altered from agricultural to built form. Views towards the church tower and not considered to be key views. Agricultural land in the immediate and wider surrounds will be retained. There is no

historical or functional association between the land within the site and the asset and the land within the site is not considered to contribute to the heritage significance of the Listed Building.

The proposed development would result in no harm to the heritage significance of the Grade I Listed Church of St Augustine through changes to setting.

7. Conclusions

Archaeological resource

- 7.1 Due to the scarcity of finds recorded within the study area of Palaeolithic, Mesolithic and Neolithic date, the archaeological potential of the site for activity of this date is considered to be low.
- 7.2 Cropmarks and soil marks have been identified within the site on aerial photographs and as part of the National Mapping Programme comprising an enclosure and linear features. The geophysical survey within the site also identified these features. Although of uncertain date, the form and nature of these features is indicative of features of later prehistoric to Romano-British date. On the basis of the above, the potential for archaeological remains of prehistoric date within the site is considered to be high. However, there is no current evidence to suggest that these remains would be of a significance commensurate with a Scheduled Monument, and the remains present are likely to comprise a non-designated heritage asset.
- 7.3 As part of the scheme, residential development is proposed in the area where these features were identified which would result in the disturbance and/or removal of below-grounds archaeological remains. As such, any harm resulting from the proposed development to the asset should be weighed against the public benefits of the proposed scheme in line with paragraph 197 of the NPPF.
- 7.4 Romano-British activity has been recorded in the wider study area, although none has been recorded within the site itself. The site of Sholden Roman villa was recorded c. 430m north-east of the site which was associated with trackways and field boundaries. A ditch of potential Roman date was recorded during evaluation in the field east of the site. Due to its orientation, this is not considered likely to have continued into the site. The potential for significant archaeological remains of Romano-British date within the site is considered to be low.
- 7.5 The site was most likely to have been part of the agricultural hinterland to Sholden from at least the medieval period. Medieval settlement activity was focused to the east of the site. A small number of finds of medieval date were identified within the site. The potential for significant archaeological remains of medieval date within the site is considered to be low.
- 7.6 The land within the site was historically used as arable land, known as *Sholden Downs*. Numerous buildings and structures were constructed in the post-medieval to modern landscape within the study area which were focused at Sholden and Great Mongeham. The potential for significant archaeological remains of post-medieval and modern date is considered to be low.

Setting

- 7.7 No designated heritage assets lie within the site.
- 7.8 An assessment of the significance of designated heritage in the surrounds of the site concluded that the proposed development

will result in no harm to the heritage significance of the Grade II* Listed Church of St Martin, the Grade II* Registered Northbourne Court Park and Garden or the Grade I Listed Church of St Augustine, through changes to setting.

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