

Your ref: Draft Local Plan 2020-2040

DraftLocalPlan@rother.gov.uk

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The land under reference IDE0001 was originally allocated under the Development and Site Allocations Local Plan (DaSA), adopted 16 December 2019. Whilst the policy sets out that there are various locational drawbacks to the site, including a limited bus service to Rye and Tenterden, and that there is no primary school in the village, the site was nevertheless put forward as an allocated site.

The allocated site can be seen below at Figure 2. This site has been allocated for specific reasons. Chief amongst these reasons is that the accessway for the site is designated as being off the more sedate Elmsmead, rather than Main Street, ensuring that the historic layout of the village is not spoiled or interrupted, and allowing for a slower and safer flow of traffic into any potential development. This access can clearly be seen in the allocated site plan below.

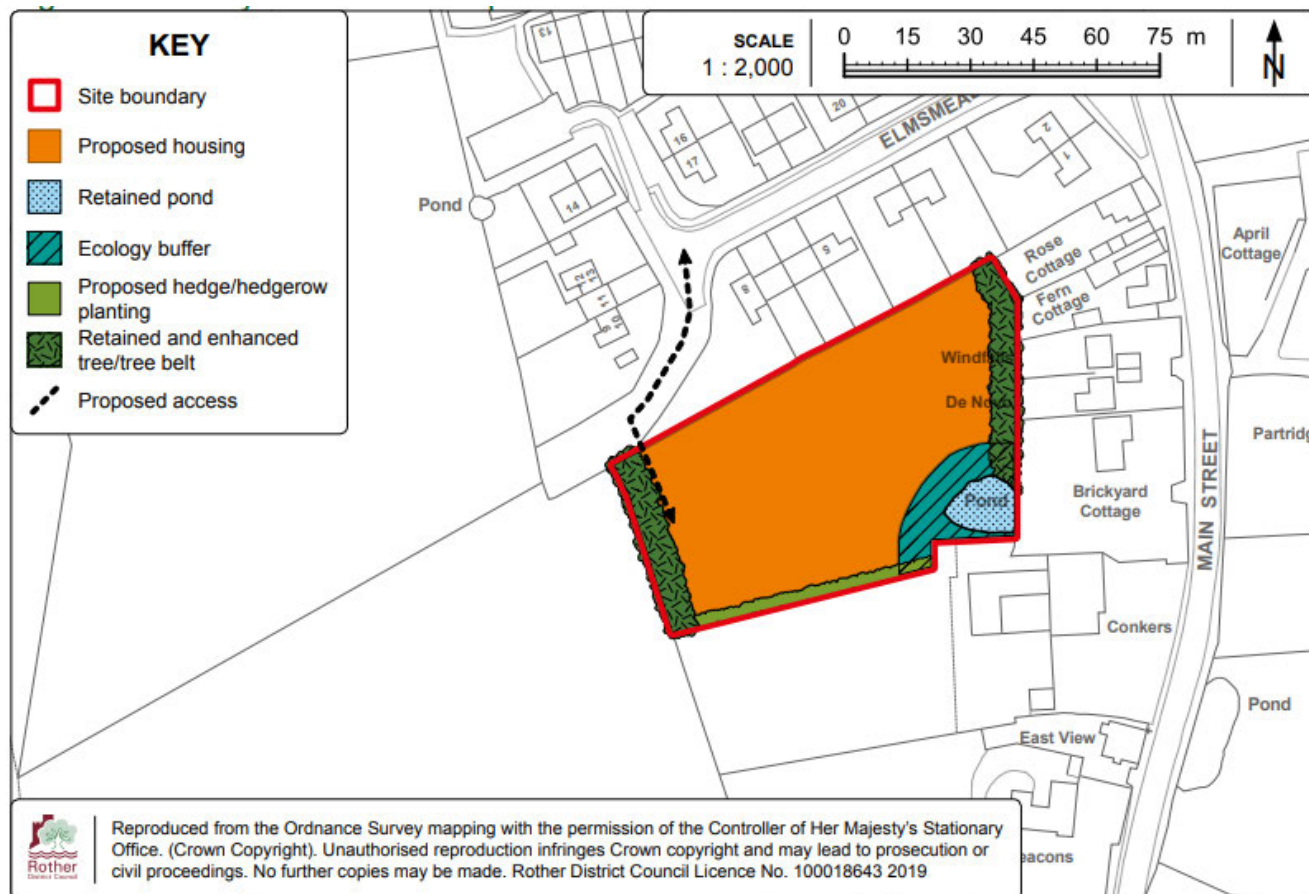


Fig.2. The allocated site plan

The DaSA goes on to explain that: "Access would be delivered off Elmsmead to the north-west, via third party land to which there is an "in principle" agreement". However, due to statements that have been made in connection with a recent planning application for this land it has become apparent that the owner of the site has made no attempt to acquire such rights. We are therefore left questioning what happened to the "in principle" agreement to allow access off Elmsmead. Was there ever a realistic prospect of the Elmsmead access going ahead? If this was never a feasible access, then residents may well ask whether the land was allocated in the DaSA on a mistaken basis?

The land to the south, under reference IDE0011, is now put forward as being required in order to access the land under reference IDE0001. The council has already addressed the proposed location of an access road on Main Street in their DaSA consultation and concluded: "The creation of a new access road to the land from Main Street alongside the listed buildings would be clearly detrimental to their setting".

The council has therefore explicitly outlined why the Main Street access is inappropriate for the site referenced IDE0011. It would be equally inappropriate for the site referenced IDE0001. If access from Elmsmead is not feasible, then the allocated site no longer stands on its own merits. The site should no longer be considered as suitable for an allocated site. We ask that the council reconsider this site allocation as part of the HELAA. If the site is to remain allocated there should be a clear commitment on the Council's part to the use of compulsory purchase powers to unlock the necessary access via Elmsmead.

Objection to land under reference IDE0011

Local residents are surprised to see that the land under reference IDE0011 (previously referred to as ID1r in the DaSA) is being brought forward again as part of the HELAA, despite the clear rejection by the council last time around. They are also surprised that all but one of the other potential sites around the village are listed as 'rejected sites', presumably on the basis that they have previously been deemed unsuitable. However, the 'Land rear of Conkers, Main Street' site, under reference IDE0011, is now listed as a 'potential site'. It is not clear why that would be. The HELAA repeats the comments from the previous site allocation summary:

"While this site was previously rejected through the SHLAA (2013) due to the potential impact on the setting of the adjoining listed buildings, its development could potentially help bring forward the adjoining allocated site and achieve an alternative access directly from Main Street, while providing a small extension to the developed area and a small increase in dwelling numbers. The impact on the adjoining listed buildings could potentially be mitigated through careful design. Initial Highway Authority comments confirm that further design and safety assessment is required to inform a new access from Main Street".

This statement acknowledges that there is no longer an easy fix with regards to access to and from the allocated site, IDE0001. Why further land, which has already been deemed by the council as unsuitable for development, should also be brought forward as an allocated site, merely to make a now inaccessible allocated site usable is unclear.

In 2016 the council launched a consultation on possible development sites in Iden. This considered the suitability of site ID1r, now referred to under reference IDE0011, as seen below at Figure 3, showing the DaSA consultation plan.



Fig.3. The DaSA consultation plan

The site assessment for ID1r reads as follows:

“This site lies immediately behind the Listed Conkers. It forms the southern part of the paddock; the northern part being site reference ID1a. This part of the field has a closer relationship with the listed buildings. The creation of a new access road to the land from Main Street alongside the listed buildings would be clearly detrimental to their setting. Its development would represent an unnecessary and inappropriate loss of open land that contributes both to the setting of listed buildings and to the character of this rural fringe of the village.

Recommendation: Not a preferred site.”

This is a damning indictment of the suitability of the land under reference IDE0011 for development. We cannot see how the council could possibly add the site to the allocated sites when they have clearly indicated that any residential development in this area “would be clearly detrimental” to the setting of the listed buildings.

Harm to the setting of listed buildings – Access to the land under reference IDE0011 requires a road to be constructed immediately adjacent to two listed buildings, whilst being directly adjacent to four listed buildings. The possibility of inclusion of IDE0011 as an allocated site was rejected by the council as “Its development would represent an unnecessary and inappropriate loss of open land that contributes both to the setting of listed buildings and to the character of this rural fringe of the village”.

Any road to access the land under reference IDE0011 would clearly be within the immediate court surrounding Conkers, and therefore within the curtilage of the listed building. As the PPG outlines, works within the curtilage of a listed building are inarguably within the setting of the listed building. The immediate curtilage of the listed building contributes immensely to its setting.

Conkers has deliberately been designed and built set back from the main carriageway through the village. This is a typical design feature of many the grander dwellings in historic villages that have developed along a linear pattern. It was a status symbol reserved for those owners who could afford a larger plot and could enjoy the added peace and quiet that this could lend a dwelling. Any road would diminish from the grandeur of the approach to Conkers, by removing a good deal of the listed building’s curtilage. We believe that this would go beyond the ‘less than substantial harm’ category and constitute substantial harm to the heritage asset. Clearly, this damage to the curtilage of the building very much reduces the significance of the asset. Therefore, the council should reject the land under reference IDE0011 from the site allocation on the basis of harm to the curtilage (and setting) of Conkers.

Aside from the damage to the curtilage of Conkers, the presence of a road and the development of agricultural land into residential use would result in a change of character of the surroundings of several listed buildings. Under the definition in the NPPF, the land under reference IDE0011 is part of the setting of the listed Rose Cottage, Conkers, Eastview and Deacons. The site doesn’t immediately abut Partridge, as this property is located on the opposite side of the road, but this property’s setting is also impacted.

The existing context and setting of Conkers, Eastview and Deacons would be harmfully diluted by any residential scheme at IDE0011. The buildings would no longer make sense or read correctly in their new context, which instead of being the grand buildings in the ribbon development, would instead punctuate the T-junction to access the new housing estate. The prominence of these heritage assets when seen from the main road and public viewpoints would be lost, and the new-build dwellings would be visible and ever-present from these viewpoints. Upon approaching the village from the south, a residential scheme would become the dominant form in the landscape rather than the historic buildings and would, with some ease, draw the eye away from them. The cumulative damage to the setting of the four listed buildings reduces the significance of all four assets. Under the NPPF, this would meet the “less than substantial harm” threshold at the medium end of that spectrum to the heritage significance of these listed buildings.

Access – Access to the land under reference IDE0011 would require running a straight onto Main Street, and so spoiling and interrupting the historic layout of the village. Access off Main Street is difficult and compromised, and a far from ideal place for a junction to be located. Due to the listed Eastview being built adjacent to Main Street, there would appear to be issues of visibility with inserting a junction immediately adjacent to it. Any vehicle travelling from the south would not be able to see a car emerging from the junction and vice versa. We question whether visibility splays would be a sufficient resolution here. The access issues here would also be exacerbated by the fact that traffic moves a lot faster down Main Street than it does on, for instance, subsidiary roads like Elmsmead.

Any junction inserted into Main Street would also make for a far greater degree of disturbance to those residents living near to the junction. Rather than vehicles occasionally passing their properties, residents would have to deal with stationary traffic turning into a new housing estate. A new housing estate would provide for many car journeys, and glare from turning headlights would be disruptive to residents.

Summary

This submission demonstrates that the original allocation, under reference IDE0001, was flawed as there is no feasible and available access to this land. This allocation was made because access could be achieved from the north of this site, on the basis of an 'in principle' agreement. This agreement never materialised.

The only feasible access to IDE0001 is from land being brought forward in the HELAA under reference IDE0011. This land has previously been rejected by the council due to the impact on surrounding listed buildings. As demonstrated above, this impact goes beyond merely impacting the setting of the listed Conkers and other listed buildings but requires that the access road to the two pieces of land be constructed in the immediate curtilage of the listed Conkers.

Therefore, local residents are surprised that the HELAA appears to be looking at site reference IDE0011 as a means of making site reference IDE0001 workable. If site reference IDE0001 is unworkable then it should no longer be designated as an allocated site. In our client's view the site can only be accessed by Elmsmead, and if the Council will not facilitate that through the use of compulsory purchase powers then the site should no longer be allocated.

As we represent a number of interested parties, we look forward to hearing from you with any updates regarding the HELAA. In the meantime, if you have any queries on the contents of this letter, please do not hesitate to contact us.

Yours faithfully

Maples Teesdale LLP

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