

**Application No:** Y18/0361/SH

**Location of Site:** All Saints Farm, Ashford Road, New Romney TN28 8TH

**Development:** Erection of 3 sheds (resubmission of planning application Y17/0305/SH)

**Applicant:** Mrs Briony Kapoor

**Agent:** Ms Jenny Owen  
Jennifer Owen & Associates Ltd.  
Bargrove Farm  
Newington  
Kent  
CT18 8BH

**Date Valid:** 10.04.18

**Expiry Date:** 05.06.18

**PEA Date:** 03.08.18

**Date of Committee:** 31.07.18

**Officer Contact:** Paul Howson

## **SUMMARY**

This report considers whether planning permission should be granted for the erection of 3 sheds.

It is considered that this re-submitted application does not fully overcome the previous reason for refusal in terms of the adverse visual impact of the proposal on the landscape, the setting of the Scheduled Monument, and potential harm to buried archaeological remains; and that the public benefit would not outweigh the harm identified.

Consequently, the report recommends that planning permission be refused.

<b>RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.</b>
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## **1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of three sheds. This is a re-submission of application Y17/0305/SH which was for five sheds. Each shed would have stained shiplap boarding external walls, and a shallow pitch black Onduline roof. The ridge height of each shed would be approximately 2.9m, with a footprint of approximately 13sqm.
- 1.2 The proposed three sheds would be adjacent to the north western side boundary of the site, in a linear block of three. Two of the sheds were

already in situ at the time of the officer's site visit. The proposed sheds would be used for agricultural purposes, including storage of animal feed, tools and equipment, and to house animals.

- 1.3 The application is accompanied by a site plan (existing and proposed), plans of the shed, a Planning Statement, and a Heritage Statement.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- It is located within the open countryside
- The site is within a locally designated Local Landscape Area
- It is within an Area of Archaeological Potential.
- The site is shown on the EA maps as being within Flood Zones 2 & 3
- It is shown on the Council's SFRA as being low to moderate flood risk when allowing for climate change.
- Part of the site surrounds a Scheduled Monument (SM) (Hope All Saints remains of church)
- The remains are also Grade II listed (Ruins of Church of All Saints)

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The site is formed of an enclosed area which is made up of two distinct sections. The part to which the application relates is an irregular rectangular grassed meadow, which historically was used to graze sheep. The other part of the site on its north eastern corner is separated by a ditch and forms the moated surrounds of a Scheduled Ancient Monument. The designated area around the monument does not form part of the application.
- 3.2 The site area is a relatively flat meadow, and is enclosed by a post and wire stock fence. An animal enclosure has been created in the centre of the paddock, and some art installations have been erected to the rear of the site. There is also a small animal shelter, planters, benches, a netted plant cage, and sapling trees spread across the site.
- 3.3 There is a public footpath that runs across the front of the site, from the road to the adjoining field. The site is surrounded by arable fields, and on the opposite side of the road is a light industrial unit and yard of a Metal Fabrication company in a former farm building. This is the only built form in the immediate vicinity, which is predominantly rural and falls within the Romney Marsh Character Area.
- 3.4 The Scheduled Monument is under the same ownership. The Scheduled Monument is on a moated raised parcel of land. The church remains consist of standing sections of medieval masonry.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Erection of 5 sheds was refused in 2017 (Y17/0305/SH).

## 5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 St Mary in the Marsh Parish Council

Object on grounds of a series of material inaccuracies in the description of the proposal leads the Council to support the objections raised by other leading authorities and the over-whelming objections raised by residents

5.3 Historic England

No objection on heritage grounds

5.4 Heritage consultant

Objects due to design, materials and scale of development

5.5 KCC Archaeology

Recommend archaeology measures will be required

5.6 KCC Ecology

No objection due to limited ecological impact

5.7 Campaign to Protect Rural England (CPRE)

Object due to harm to setting of heritage assets

5.8 KCC Public Rights of Way officer

No objection

5.9 Environmental Health

No objection

5.10 Rural Advisor

No objection

5.11 Environment Agency

Have not commented.

5.12 Kent Wildlife Trust

Have not commented

5.13 Romney Marsh Internal Drainage Board

Have not commented

5.14 East Kent Badger Group

Have not commented

## 6.0 PUBLICITY

- 6.1 Neighbours letters expiry date 3<sup>rd</sup> May and 7<sup>th</sup> May 2018
- 6.2 Site notice expiry date 10<sup>th</sup> May 2018
- 6.3 Press notice expiry date 17<sup>th</sup> May

## 7.0 REPRESENTATIONS

- 7.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

- 7.2 10 letters/emails received objecting on the following grounds:

- Planning permission already refused for similar development
- Reducing to three sheds is just as harmful to integrity of site
- Applicant has ignored refusal of planning permission and erected sheds without consent
- Negatively impact on views/setting of church ruins
- Setting of ruins is characterised by the openness of site, which is part of the special character of the Romney Marsh
- Open vista was popular with artists
- Buildings would spoil a desolate tranquil site
- Inappropriate design very suburban in appearance
- Land is iconic site and should be left undeveloped
- The site has been advertised in the press as a Heritage Site and Memorial Garden
- Should not be turned into a theme park
- Plans for site would desecrate the church ruins
- Encourage vandalism of a consecrated site
- Clutter from numerous items placed on the land
- Trench was dug across the site to provide services
- Amenity project not agriculture
- Inadequate justification for the sheds
- Land should be returned to its former condition
- Heritage Statement is not from a recognised professional
- Refer to comments made on previous application

## 8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 8.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE5, CO1, CO5, CO18

- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:  
DSD, CSD3

- 8.4 The following paragraphs of the National Planning Policy Framework (2018) are of particular relevance to this application:

Paragraph: 15, 184, 189, 193, 196

## **9.0 APPRAISAL**

### **Background**

- 9.1 Planning permission is required for the proposed development as only agricultural units of 5 hectares or more in size have permitted development rights to erect buildings, and these are subject to a prior notification procedure. Therefore there are no permitted development rights to erect sheds on this land.
- 9.2 The applicant approached the Council in March 2017 to seek planning advice regarding creation of a Heritage Park and Memorial Garden on the site, and the erection of various structures and works in relation to this. There has also been press coverage of this intended use, as well as signage erected on the site. It was advised that more detail was required to ascertain if this change of use needed planning permission, but that some of the structures and the sheds would need planning permission. Subsequently the previous planning application was submitted for the erection of five sheds, for agricultural use and the maintenance of the scheduled monument.
- 9.3 The officer site visit at that time revealed that the groundworks had already been prepared for the sheds, including trenches dug for the water supply. That planning application was refused on the following grounds:

The proposal, by reason of its design, materials, inappropriate siting, and the cumulative visual impact of the five buildings proposed, would represent unnecessary clutter in the countryside which would result in the loss of the

openness and isolated character for which the landscape and the scheduled monument setting are noted for, and would amount to considerable harm to the quality of the locally designated landscape, and the historic significance of the scheduled monument. The proposal is therefore contrary to saved policies CO1 and CO5 of the Shepway District Local Plan Review which will not permit development that does not protect the landscape character unless there are economic and social well-being needs that outweigh the protection of the local landscape importance. Further to this, the proposed development would be contrary to paragraphs 132 and 134 of the NPPF which seek to avoid substantial harm to heritage assets of the highest significance, notably scheduled monuments, without clear and convincing justification for any unavoidable harm, or adequately explaining how the public benefit would outweigh the harm.

Since that time the applicant has erected two sheds on the site without planning permission and has now submitted this current application.

### **Relevant Material Planning Considerations**

- 9.4 The relevant issue for consideration with regard to this current application are whether it overcomes the previous reason for refusal in terms of the impact on the on the locally designated landscape character; and, the impact on the heritage assets including archaeology. The application can only consider the sheds that are being applied for, other works carried out (or planned) are not the subject of this application, and are described for background information only. A decision will be taken separately on the need for planning permission for the artworks and other structures.

### **Justification**

- 9.5 Saved policy CO18 requires new agricultural buildings to be a) necessary for the purposes of agricultural and the operational needs of an agricultural unit, and b) the siting, scale, materials and colour are in keeping with the surroundings. To justify the need for the sheds in connection with the agricultural use the applicant has submitted a Planning Statement, setting out the small scale agriculture/horticulture use proposed on the site. The application sets out long term public benefits of providing new farming ideas, serving specialist markets, and preserving the ruins of Hope All Saints Church. This amounts to a small scale community assisted arts and farming project with plans for grazing sheep, fruit and vegetable cultivation, and production of edible frogs and snails. It is considered reasonably necessary to have a modest building for the horticultural/agricultural use of the land. The limited nature of the enterprise described is low maintenance and could be supported by a single building of a more appropriate design and overall proportions. Furthermore, the applicant is predicting the future horticulture and animal husbandry needs, before having established any demonstrable need. At the time of the site visit, some tree planting had taken place and there were three goats in a pen. The two sheds on the site contained one bale of hay, a wheelbarrow and a watering can. It is not considered that sufficient justification has been demonstrated for the need for three buildings, and in any event any such need would not outweigh the harm set

out later in this report. Therefore it is not considered that criteria (a) of policy CO18 have been met. It is also considered for the reasons set out in paragraph 9.6 below that the proposal fails the second caveat b) of saved policy CO18.

### **Landscape and visual impact**

- 9.6 The historic and aesthetic character of the site is mainly formed by the isolated nature of the church ruins, which gives the abandoned church an evocative atmosphere. The flat open featureless Romney Marsh landscape is an important contributory factor in this, and is integral to the historic significance of the area. It is considered the proposed erection of sheds would interrupt the existing open vista from the road and public footpath, and would introduce alien domestic looking structures that would visually jar, and draw the eye away from the ruins. This would be harmful to the striking scenic beauty of the church ruins set on a small mound above the surrounding open fields. The existing works site at Chapel Land Farm on the opposite side of the road, does not impinge on these open views from the public domain.
- 9.7 The 3 sheds would result in a proliferation of buildings which would create inappropriate clutter within the locally designated landscape, and within the setting of the designated heritage asset. Furthermore, the shed design is too domestic and basic for an open countryside setting. There is an existing small cluster of Hawthorns adjacent to where the block of three sheds is proposed. However, the proposed sheds would be approximately 10m in from the site boundary, and would appear from the road as being in the open field, with minimal backdrop. The designs are not in the rural vernacular, and contrary to the applicant's assertion in the Planning Statement, have the appearance of a domestic shed/garage, which would be acceptable in a residential rear garden, but not in a visually prominent location in the open countryside close to a scheduled monument. As such they are contrary to part (b) of policy CO18. Consideration should be given to a single building with appropriate materials used in its construction, which would have a smaller overall footprint and less of a visual impact and appear less cluttered. In this instance the standard sheds would be visually prominent, and the inappropriate design would be incongruous and harmful to the Romney Marsh landscape character, without sufficient justifiable need. Therefore, the siting, the scale of buildings, amount of buildings, and external finish are not in keeping with the surroundings, and do not make the best of the very limited natural screening, and represent unnecessary clutter in the countryside. Furthermore, they form part of a wider intensification of the use of the site, without any appropriate mitigation, and without less harmful alternatives having been carefully considered.
- 9.8 Saved local plan policy CO5 seeks to resist development that does not protect the landscape character unless there are economic and social well-being needs that outweigh the protection of the local landscape importance, which is particularly acute in this location due to the presence of the ruins. Further to this saved policy CO1 amongst other things seeks to maintain or enhance features of landscape, and historic importance particular to the

quality and character of the countryside. It is considered the proposal fails the policy objectives of saved policies CO5 and CO1.

## **Heritage**

- 9.9 The proposal affects the setting of a Scheduled Monument which is also Grade II listed. As such the application was required to be accompanied by a Heritage Statement describing the significance of the affected heritage assets, including the setting of the monument. The church is thought to be C12th, and to have served the lost village of Hope, before falling out of use in the C16th.
- 9.10 Works outside the scheduled monument area do not require scheduled monument consent (SMC), but serious consideration has to be given to how they might affect the setting of the SM. This is because the historic significance of the ruin relates to its relationship and connection with its surroundings, as well as the physical fabric. It is considered that the introduction of incongruous domestic sheds harm the heritage significance, interrupting views to and from the ruins and adversely affecting the isolated character. As alluded to above the significance of the ruins largely derives from its isolated setting in the open landscape. It is considered that the proposed sheds would compromise this isolated setting and result in harm to the essential character of the SM. The site and the ruins are highly visible in near and distant views from the road and footpaths due to the openness of the land without significant roadside vegetation. The proposed sheds are considered therefore to interfere with the unobstructed views of the remains. The three proposed sheds would be (are) to the side of the monument adjacent to a small group of hawthorns, and therefore are not in the direct line of view from the highway. However, the site is very open, and the eye is drawn to these incongruous structures and associated clutter, which distracts from the atmosphere the ruins had when the site was open grazing land. Isolated vertical structures are particularly prominent in the flat horizon of the Romney Marsh, thus the church ruins' silhouette is especially evocative in the flat open landscape. In this regard whilst not the subject of this application, it is noted that inappropriate planting and other planned development on the site would have an additional cumulative negative effect on the key feature of the setting of the building, which is its isolation.
- 9.11 Whilst the three sheds on the western side of the site are considered to be inappropriate for the countryside setting, as set out above, Historic England considers they would have less direct harm to the setting of the monument, due to being off to one side of it. As such, the removal from the scheme of the two proposed sheds around the ruins has reduced the harm to the monuments significance, and Historic England has removed its objection. However, although they say the harm to the monument's significance is minimised, officers consider that there is still less than significant harm and that this harm is unacceptable. Paragraph 193 of the NPPF requires that great weight should be given to the impact of a proposed development on the significance of a designated heritage asset which can be harmed by development within its setting. Planning legislation gives considerable importance to the preservation of heritage assets, including their setting.



- 9.12 Paragraph 184 of the NPPF states that it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a development affecting the setting of a heritage asset. In this case the harm is considered to be less than substantial. Paragraph 196 of the NPPF advises that 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.
- 9.13 The applicant makes the assertion in the application that the aims of the project are to preserve the church ruins, and they make reference to the proposed improvement of this neglected site. However the preservation of the ruins can be carried out without the amount of development proposed by the applicant. It has not been satisfactorily demonstrated that the uses being proposed, for which the sheds are said to be required, are necessary to preserve the SM and so this does not overcome the impact that they have and will have on its otherwise isolated and undeveloped setting. Although not for approval, the plans for the site set out in the application include fencing, bridges, services, art installations, planting and other structures which the sheds would add to and would cumulatively amount to clutter in the countryside which would cumulatively impact negatively on the setting of the scheduled ruins. These additional structures are not supported by Historic England. Any benefits from the proposed development would primarily be for the applicant as public access to the ruins would be restricted and any wider public benefit has not been adequately demonstrated. Therefore, it is considered the benefits to the wider public from this project would be minimal, and do not outweigh the less than substantial harm the development causes to the setting of the SM. As such the development is contrary to national planning guidance.

### **Archaeology**

- 9.14 The site has high potential to have significant archaeological remains outside the monument area, in connection with the church and burial ground, and an associated medieval settlement (the abandoned hamlet of Hope which the church served). Before any further excavations and any covering up with hardstanding, an archaeological survey needs to be carried out by a suitable qualified person, to avoid potential damage of archaeological remains. It is considered that the archaeology heritage of the site has not been properly researched, as the submitted heritage statement states that the area outside the scheduled monument has very poor archaeological potential, concluding that any ground works in this area would have no impact on archaeological remains. Historic England refute this, stating that previous finds in and around the scheduled monument (including a Papal Bull, lead tokens, buckles and a variety of coins) and indications of a deserted medieval village nearby, indicate the surrounding area unquestionably has potential to have preserved archaeological remains. Any ground works would have potential to impact on the archaeological heritage. KCC Archaeology officers concur with this and have confirmed that archaeological measures will be required

to ensure that any remains are appropriately investigated, recorded and reported. Therefore if members are minded to grant planning permission, a programme of archaeological work would need to be secured by condition.

### **Ecology**

9.15 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the relevant thresholds and therefore does not need to be screened under these regulations. It is considered that the sheds would have limited ecological impacts, and the site is managed grassland, with limited potential for notable species.

### **Flood risk**

9.16 A Flood Risk Assessment is not required with the application, and the Environment Agency has no objection to the proposal. As the proposed sheds are for storage of equipment, there would be no risk to human life.

### **Public Rights of Way**

9.17 The proposed sheds would not affect the public right of way, and as such there would be no objection in this regard.

### **Local Finance Considerations**

9.18 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

New Homes Bonus payments are not a material consideration in the determination of this application.

### **Human Rights**

9.19 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having

regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

9.16 This application is reported to Committee at the request of Cllr Goddard.

## **10.0 BACKGROUND DOCUMENTS**

10.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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### **RECOMMENDATION – That planning permission be refused for the following reason:**

The proposal, by reason of its design, scale, materials, siting, and the cumulative visual impact of three buildings, would represent unnecessary clutter in the countryside which would result in the loss of the openness and isolated character for which the landscape is noted, resulting in harm to the quality of the locally designated landscape. The proposal is therefore contrary to saved policies CO1, CO5 and CO18 of the Shepway District Local Plan Review which will not permit development that does not protect the landscape character unless there are economic and social well-being needs that outweigh the protection of the local landscape importance; and, paragraph 170a) of the NPPF (2018) which seeks to protect and enhance valued landscapes. The justification and public benefit of the proposal are not considered to outweigh the harm caused.

The proposal, by reason of its design, scale, materials, siting, and the cumulative visual impact of three buildings, would distract from the isolation and openness the scheduled monument setting is noted for, resulting in harm to the historic significance of the scheduled monument. Whilst this harm is deemed less than significant, the proposal is considered to be contrary to the National Planning Policy Framework (2018) paragraph 196 which requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit. The minimal wider public benefits of the proposal are not considered to outweigh the less than substantial harm caused.

Informative:

Planning permission/Scheduled Monument Consent (where applicable) would have to be sought for all other plans detailed within the heritage statement.

Any additions to or works within the Scheduled Monument itself would require an application for Scheduled Monument Consent (SMC); and that any works carried

out within the scheduled monument without consent would constitute an offence under the Ancient Monuments Act (1979).

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