

**CABINET MEMBER FOR
PLANNING, INFRASTRUCTURE
AND ECONOMIC DEVELOPMENT**

9 November 2023

**Sutton Valence Conservation Area boundary extension
proposal**

Timetable	
Meeting	Date
PIED PAC	8 November 2023
Decision to be made	9 November 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet Member for Planning, Infrastructure and Economic Development
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Janice Gooch
Classification	Public
Wards affected	Sutton Valence

Executive Summary

The proposed extension to the Sutton Valence Conservation Area was identified as part of the regular review of the conservation area boundary which was undertaken with the conservation area appraisal. Sutton Valence was first designated in September 1971 and the boundary had not been reviewed since that time. The records relating to the designation are no longer available.

This report has been prepared within the context of the Sutton Valence Conservation Area Appraisal and Management Plan 2021. The Appraisal recommended that in due course consideration should be given to an extension of the conservation area to encompass the area forming the likely outer perimeter of the castle. It is this extension that is currently proposed.

Purpose of Report

Recommendation to Cabinet Member

This report makes the following recommendations to the Cabinet Member for Planning, Infrastructure and Economic Development:

1. The extension to the Sutton Valence Conservation Area as set out in the "Sutton Valence Conservation Area Proposed Boundary Alterations (December 2021)" document at Appendix 1 be agreed; and
2. Delegated powers be given to the Head of Development Management to undertake the necessary statutory requirements to implement the agreed boundary changes.

Sutton Valence Conservation Area boundary extension proposal

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>• Accepting the recommendations will materially improve the Council's ability to protect the historic environment.</p>	Janice Gooch
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of encouraging protection of the heritage at Sutton Valence and within the borough.</p>	Janice Gooch
Risk Management	Already covered in the risk section	Janice Gooch
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Head of Finance
Staffing	We will deliver the recommendations with our current staffing.	Janice Gooch

Legal	There are specific legal implications arising from the report at this time due to the increase in a designated heritage asset.	Janice Gooch
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Janice Gooch
Crime and Disorder	No anticipated impact	Janice Gooch
Procurement	None required	Head of Finance
Biodiversity and Climate Change	There are no implications on biodiversity and climate change, but a CA can be used to offer further protection, including to trees, and open spaces.	Janice Gooch

2. INTRODUCTION AND BACKGROUND

2.1 Sutton Valence was designated in September 1971 and the boundary has not been reviewed since that time. The records relating to the designation are no longer available. The existing boundary is shown on the plan within the supporting document.

2.2 This report has been prepared following the previously approved Sutton Valence Conservation Area Appraisal and Management Plan 2021. The Appraisal recommended that in due course, consideration should be given to an extension of the conservation area, to encompass the outer perimeter of the castle and this is the subject of this report.

2.3 The proposed extension will add approximately two hectares to the conservation area. It is the area which it is believed was contained by the outer curtain wall of the castle with the addition of the two roads – Tumblers Hill and Baker Lane which have clearly been dug out and may have been quarries that provided the stone for the castle. There have been sufficient archaeological finds to suggest that this is an accurate assessment of the extent of the castle.

2.4 The existing conservation area incorporates the site of the castle keep, which is on the extreme southern edge of the site. Its location within the site is presumably to take advantage, from a security point of view, of the excellent views over the surrounding area that its elevation at the top of the ridge would give. There are two buildings within the area of the proposed extension. These are the Old Parsonage which is now a private house, and Tumblers Plat which is a modest house from the second half of the 20th century. There is also a historic garden associated with the Old Parsonage and this is referenced in the Kent Historic Gardens Compendium as being of national significance.

2.5 Primarily however the extension is to protect what may prove to be a very important area of archaeological interest. It has yet to be fully investigated but traces of other buildings and the outer curtain wall warrant that the site should be protected.

2.6 The consideration for the Council as the Local Planning Authority is as per para 191 of the NPPF, which states:

191. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

2.7 It is considered that the information provided within the Sutton Valence Conservation Area Proposed Boundary Alterations Dec 2021, provides sufficient details to meet this requirement.

2.8 Pursuant to s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") the Council, as the local planning authority, is under a duty (from time to time) to review the conservation area. Pursuant to s.70(5) of

the 1990 Act the Council must give notice of any variation to the conservation area to the Secretary of State and Historic England. Pursuant to s.70(8) such notice of any variation, with particulars of its effect, must be published in the London Gazette and in at least one newspaper circulating in the area of the Council, by the Council.

3. AVAILABLE OPTIONS

- 3.1 Option 1 - That the report recommendations be approved by the Cabinet Member for Planning, Infrastructure and Economic Development.
 - 3.2 Option 2 – That the report recommendations are not approved by the Cabinet Member for Planning, Infrastructure and Economic Development. If not approved there is a risk that harm to the archaeology of the castle site could be occur as it would not be protected by Planning (Listed Building and Conservation Area) Act 1990.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is option 3.1.
 - 4.2 By approving the extension, this provides a clear steer on protecting our heritage.
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5. RISK

- 5.1. There is not anticipated to be any discernible risk associated with the report and its recommendations. Any risk has been assessed in regard to the Council's risk management principles.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The matter was considered by the Planning Infrastructure and Economic Development Policy Advisory Committee on 8 November 2023 with a recommendation made to approve the recommendations of this report. The committee received an urgent update providing them with the addition information contained within point 2.8 of this report alongside the amended recommendations.
- 6.2 Consultation has been undertaken within the public, and the following is of note:
 - An online survey was open from 28 July until 24 September 2023.
 - 556 visitors visited the project page.
 - 220 visitors contributed to the survey or downloaded a document.
 - 172 visitors participated in the survey.

Survey respondents were asked 'Are you in favour of extending Sutton Valence Conservation Area to include the land within the red line?'

A total of 172 responses were received to the question. Overall, 96% of respondents were in favour of extending the boundary of Sutton Valence Conservation Area as shown by the red line on the map.

A total of 97 comments were received. These have been summarised by sentiment in the table below.

Sentiment	No.	Examples
Positive	82	<p><i>It is really important that we look after these special areas of interest to help us improve our understanding of what has happened in our history. The extension to the conservation area will ensure that the area is protected for archaeological investigations to take place.</i></p> <p><i>I think this is a very important extension to ensure the preservation of our heritage.</i></p> <p><i>The extended Conservation Area is a valuable asset to the village and does certainly contain archaeological evidence of Sutton Valence which must be preserved at all costs.</i></p>
Neutral	11	<p><i>Council really needs to consider conservation more when permitting development within the borough.</i></p> <p><i>Consider extending even further?</i></p>
Mixed	2	<p><i>There has been speculation about where the castle walls may have been. This may or may not be the answer but it is wise to be safe in this instance.</i></p>
Negative	2	<p><i>An extension to the Conservation Area as identified does not appear to be necessary or justified. The area of extension is already covered by Open Countryside Policies, is not a sustainable location and is not under any planning threat. Therefore there appears to be no sound reason as to why the CA should be extended.</i></p>

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The report and guidance, if approved, will be available on the MBC's website. If approved by the Cabinet Member the guidance will be used to assist consideration of planning applications where it is appropriate to do so.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Proposed Extension Map and Justification
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9. BACKGROUND PAPERS

N/A