



Heritage Proof of Evidence

Home Farm, Kemnal

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1. Introduction

Qualifications and experience

- 1.1** I am Dr Jonathan Edis. I hold the degrees of BA (Hons) in History, MA with distinction in Architectural Building Conservation, and PhD, and I am a Member of the Chartered Institute for Archaeologists (MCIfA) and a Member of the Institute of Historic Building Conservation (IHBC). I have more than forty years of professional experience of the historic built environment in the public and private sectors, including six years with the Royal Commission on the Historical Monuments of England (RCHME), ten years as a Conservation Officer with Bedfordshire County Council, and ten years as Head of Historic Buildings in CgMs Limited (later RPS and now part of Tetra Tech) 2000-2010.
- 1.2** I am a founding director of HCUK Group, a company which since 2010 has provided independent heritage consultancy and other services. The company works in all sectors (e.g. housing, renewables, commercial, infrastructure etc) throughout the country.
- 1.3** I have advised on thousands of cases involving change to heritage assets and their settings. I have provided expert heritage evidence at more than 150 public inquiries and many other appeals involving heritage assets, and I have given expert evidence on heritage in both civil and criminal courts.

Statement of truth

- 1.4** I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct. I do not have a conditional fee arrangement.

Background to this appeal

1.5 Application 22/03243/FULL1 was submitted to the London Borough of Bromley in August 2022 (**CD1.1**) in respect of the following development at Home Farm, Kemnal:

"Demolition of part of Greenacres, demolition of Polo Mews North, demolition of Polo Mews South and demolition of part of The Bothy. Erection of linking extension between Polo Mews North and Polo Mews South. Erection of a two storey extension to The Bothy. Establishment of new vineyard. Provision of new solar panel array. Erection of hydrogen energy plant and equipment. Erection of new single storey dwelling. Rearrangement of the internal access roads."

1.6 Application 22/03243/FULL1 relates to land within Chislehurst Conservation Area and within the setting of a grade II listed building known as Foxbury. It includes works to locally listed buildings known as Bothy Cottage/Bothy House (the "Bothy") and Polo Mews.

1.7 Application 22/03243/FULL1 was refused by the London Borough of Bromley on 6 September 2023 (**CD3.2**) for five reasons, of which the second related specifically to heritage as follows:

"The proposed alteration, demolition and extensions to the Bothy cottage, Bothy House and flat, by reason of their excessive size, scale and design would be out of scale and out of keeping with the original buildings. The proposal would also have an adverse impact on its setting and its significance as a group, failing to preserve or enhance the character and appearance of the locally listed buildings and Chislehurst Conservation Area, contrary to the National Planning Policy Framework (2021), London Plan Policies D3 and HC1, BLP Policies 37, 49, 51 and 52."

1.8 The council's third reason for refusal of application 22/03243/FULL1 does not make any specific references to planning policies, and does not expressly mention heritage, but it relates specifically to Polo Mews and appears to be connected with the second reason for refusal thus:

"The proposal alteration, demolition and extensions to No.1 to No.4 Polo Mews, by reason of its excessive size, scale and design would be out of scale and out of keeping with the original buildings."

- 1.9** My evidence is provided on behalf of the appellants, Mr and Mrs Selby. It addresses the second and third reasons for refusal of planning permission, quoted above.

My involvement in this case

- 1.10** I have been involved in developments and heritage matters in the Kemnal area for some 14 years, having visited Home Farm and neighbouring sites on several occasions during that time, most recently in May 2024. I provided the heritage evidence in an appeal relating to development at Home Farm in 2021 (APP/G5180/C/20/3246812) (**CD5.12**). I was the author of the Heritage Impact Assessment relating to application 22/03243/FULL1, now the subject of the present appeal. I have contributed to the appellant's Statement of Case in respect of this appeal.

Scope of my evidence

- 1.11** My evidence extends to the assessment of the significance of heritage assets, and the effect of change on the significance of those assets. It does not comment in detail on the planning balance, which is contained in the evidence of Mr Escott, other than to point out that the appeal proposal can deliver some heritage-specific public benefits in terms of the net enhancement of Chislehurst Conservation Area.
- 1.12** More specifically, my evidence addresses the following matters, as set out in paragraphs 9.6 to 9.8 of the appellant's Statement of Case (**CD4.2**) :
- While the Inspector has a statutory duty to consider the effect of the proposal on the setting of the grade II listed building known as on Foxbury, there will be no reduction in its heritage significance. This conclusion appears to be agreed by the council in that the reasons for refusal of planning permission make no reference to Foxbury or its setting.
 - The overall reduction of building footprint will have a positive impact on Chislehurst Conservation Area.
 - The heritage significance of the locally listed buildings has been vastly exaggerated and that the LPA has arrived at a conclusion that cannot be consistent with the thrust of paragraph 209 of the NPPF (**CD9.11**), which

requires only that the effect on their significance is to be "taken into account". The NPPF test is a less onerous requirement than the statutory requirement which applies to designated heritage assets.

1.13 The factual basis of the third strand of my evidence (the council's exaggeration of the significance of the locally listed buildings) is contained in a Statutory Declaration by Mr Selby which confirms that those buildings have been extensively altered and rebuilt - something that will be immediately self-evident to the Inspector through observation on the site visit. Furthermore, the council has already accepted the principle of change to these buildings by granting application 19/05265/FUL, which has been implemented. This is referred to variously as the "2020 permission" the "fallback position" and the "extant permission".

1.14 My Appendices and Figures are bound separately in one volume.

2. Relevant Planning Policy Framework

- 2.1** The Inspector is required by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area (in this case Chislehurst Conservation Area) when exercising planning functions relating to land within that area. The Inspector must give considerable importance and weight to the desirability of preserving the significance of the conservation area, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.¹
- 2.2** A broadly similar duty exists in respect of the setting of listed buildings within section 66(1) of the Act (in this case relevant to Foxbury, mentioned in Chapter 1).
- 2.3** For the purposes of this assessment, preservation equates to an absence of harm.² Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.³
- 2.4** The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.
- 2.5** The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as follows:
- "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*
- 2.6** Historic England has published guidance on development affecting the setting of heritage assets in *The Setting of Heritage Assets* (second edition, December 2017),

¹ Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137.

² South Lakeland v SSE [1992] 2 AC 141.

³ Conservation Principles, 2008, paragraph 84.

better known as GPA3. The guidance proposes a stepped approach to assessment in which Step 1 involves the identification of the relevant heritage assets, Step 2 establishes their significance, and Step 3 describes how the change within the setting of the assets might affect their significance. In cases where there is a resultant loss in significance, amounting to harm, Step 4 is engaged, requiring the discussion of mitigation.

2.7 The NPPF requires the impact on the significance of a designated heritage asset⁴ to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 207 and 208 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁵ The Scale of Harm is tabulated at Appendix 1.

2.8 Paragraphs 207 and 208 of the NPPF (**CD9.11**) refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit. Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 207 or 208 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

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

2.9 Paragraph 205 of the NPPF (**CD9.11**) states that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

⁴ The seven categories of designated heritage assets are World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefields and Conservation Areas, designated under the relevant legislation.

⁵ Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

2.10 Paragraph 209 of the NPPF (**CD9.11**) refers to the approach to be taken towards non-designated heritage assets as follows:

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

2.11 Paragraph 209 of the NPPF (**CD9.11**) is relevant to the locally listed buildings known as Bothy Cottage/Bothy House (the "Bothy") and Polo Mews.

2.12 Local and regional heritage policies mentioned in the council's second reason for refusal of planning permission (London Plan Policies D3 and HC1, and Bromley Local Plan Policies 37, 49, 51 and 52) are addressed in Chapter 4.

2.13 I note that Local Plan Policies 39 (locally listed buildings) and 41 (conservation areas) are not mentioned in the council's reasons for refusal of planning permission, a point made in Mr Escott's evidence.

3. Statement of Significance

Introduction

- 3.1** This chapter of my proof establishes the significance of the relevant heritage assets in the terms set out in the NPPF, and it comments on the contribution of setting to significance. The identification of the heritage assets equates in part to Step 1 of GPA3, and the assessment of significance equates to Step 2 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 4 (Heritage Impact Assessment) and with the tabular methodology at Appendix 2.
- 3.2** I have seen no reason to depart from the Statement of Significance submitted in 2022 (**CD1.6**) with application 22/03243/FULL1, so the text is essentially the same.

Chislehurst Conservation Area and the Foxbury Estate

- 3.3** The application site is in the northern part of Chislehurst Conservation Area,⁶ outside the main built up area, in a part of the parish that seems to have been mainly woodland and pasture until the mid-19th century. The tithe map of Bromley indicates that much of the land in the area was owned by New College, Oxford, around 1840, and that it was described in the apportionment as wood and pasture. It was relatively remote, with few obvious tracks or roads shown on the map. Figure 1 is an extract from the tithe map, showing the approximate future locations of Foxbury and Home Farm. It seems that the southern end of a wood called Ashen Grove was cleared in the second half of the 19th century, in order to make way for Home Farm. As a consequence, Ashen Grove was separated from another wood to the south, called Stock Wells, as can be seen in the O.S. map of 1897 in Figure 2.
- 3.4** In 1876 Foxbury was built for the wealthy Tiarks family, by the architect David Brandon. This must have had a significant effect on land use in the area, including

⁶ The Council's SPG describes the application site as being within Sub-Unit 15 of the conservation area, "Kemnal Manor, Foxbury and Surrounds" in paragraphs 3.81 and 3.82, where the rural character is briefly described.

the creation of what is now Home Farm, to service the estate. This was approached from Kemnal Road at a lodge known as the North Lodge.

3.5

By the time of the O.S. map of 1897 Home Farm was well established, and there were extensive glass-houses along the edge of a walled kitchen garden (Figure 3). In the following half century there was further development and adaptation of the group, as can be seen on the O.S. map of 1958 in Figure 4. There is an account of the farm in *The Story of Kemnal Road Chislehurst* by Tony Allen and Andrew Thomas, first published in 2007. The following extracts are taken from page 125 of the fifth edition, dated 2020:

"Foxbury was a large estate, and the Tiarks had space to convert part of the estate into a working farm, create stables for horses and carriages, retain woods for shooting as well as developing pleasure grounds and lakes.

The largest part of the estate was given over to farming. There were fields for pasture, and haymaking in the summer. Every year Agnes [Tiarks] noted the start and end of the haymaking on Foxburrow Hill, when the family and all the servants would help to bring in the hay in favourable weather.

The 1911 inventory showed the farm animals at that time. The list included 8 cows, 6 heifers and calves, a boar, 2 porkers, 2 sows, and 18 young pigs, and 250 head of poultry. There were no sheep recorded there, but we know that 25 sheep were bought in 1884, 24 shortly after Henry's [Tiarks] death and 30 in 1913, so sheep rearing was an important part of the farm. The farm became even more important during the First World War, when rationing was introduced, and the farm had to be run on economic lines..."

3.6

Kemnal Road is described in the study of Chislehurst Conservation Area by Mary S. Holt as follows:

"Kemnal Road, one of the longest roads in the Conservation Area, (preserving the name of a manor of Chislehurst), runs north from Bromley Lane, near its junction with Royal Parade, through a mixture of built development and open space, to join the Sidcup By-Pass at the eastern extremity of the Conservation Area. The road divides into three distinct areas with differing characteristics; most of its length is in the Conservation Area and the northern end is within the Metropolitan Green Belt.

Thanks to the survival of a few of the original houses in their own grounds, and the spacious lay-out of the Victorian developments, the general appearance of the road has been maintained to a reasonable extent, with an impression of elegant homes in spacious grounds, particularly on the eastern side where the presence of Green Belt land, with streams feeding lakes in Foxbury and Foxearth has probably served to inhibit potential developers.

The first section extends from Bromley Lane (near the War Memorial) to the point where it crosses Ashfield Lane, cutting in two a small segment of the Commons. Here there is a footpath on one side of the road only, maintained by London Borough of Bromley.

The main residential section of the road stretches from Ashfield Lane to between Foxearth and South Lodge Foxbury, with a footpath on one side only. Historically it is one of the most interesting roads in Chislehurst and remains among the most attractive residential areas. Even in the second half of the 19th Century Chislehurst was among the most favoured places within easy reach of London, and the coming of the railway in 1865 accelerated the pace of development and many large but lovely houses in very spacious grounds were constructed in Kemnal Road. Destruction of this heritage however began with World War II when the gates at both ends were removed and extensive military traffic badly damaged the road surface. At that time there were only about a dozen houses, mostly very large, whose owners had departed and were replaced until the mid-1950s by bombed-out East London refugees. Foxbury, possibly the finest private house in Chislehurst, was taken over by the Church Missionary Society and is now in the possession of the Woolwich Building Society. [but now returned to private ownership] From the mid-1950s onward most of the ancillary buildings (stables, coach houses etc.) of the large houses were converted into private residences. The spacious grounds surrounding a number of these large Victorian properties have been developed for blocks of flats and cul-de-sac roads with many houses."

3.7

The Foxbury estate has been broken up since the days of the Tiarks family, and it is now in various different ownerships. However, the essential components of Foxbury and Home Farm are still structurally in place, and there is a recognisable connection spanning more than a century of gradual change.

3.8 Chislehurst Conservation Area is relatively large, and it includes a wide range of land uses. It is part suburb and part village, with extensive common land, and wooded areas. Like other outlying groups of buildings, Home Farm has agricultural roots that go back to the 19th century and earlier. This part of the former Foxbury estate as an area of pasture, grass and woodland of a rural nature, with clear farming origins.⁷ The appearance of Home Farm is still that of an ancillary estate complex, centred on a kitchen garden, the historic purpose of which was to serve the main house. It was located sufficiently far from the main house to be convenient, while at the same time being peripheral to the principal views (Figure 5). One of the buildings at Home Farm has a distinctive spire which, consciously advertises the fact that it was built as an estate farm (Figure 10). Although one is not physically aware of Foxbury when one is walking around Home Farm and its walled garden, one does have an awareness that it probably served a country house at some time in the past (Figure 16).

3.9 In terms of heritage significance, the listed building known as Foxbury was, and remains, the principal building in the area. The relationship between Foxbury and Home Farm was once important, and served a practical purpose. As the estate has been gradually disaggregated, Foxbury and Home Farm have become more insular, and more separated from each other.

Locally listed buildings

3.10 Some of the buildings within Home Farm are locally listed (Appendix 3 and Figures 8 and 9). It should be noted that the process by which these buildings were identified as having some local significance is not entirely clear. All that can be said, from Appendix 3, is that they were locally listed at some point between 1982 and 1991, and that the descriptions were updated in 2006.

3.11 The council's online map in Figure 9 indicates that Bothy Cottage and Bothy House are locally listed, together with the units in Polo Mews. The map also suggests that part of Greenacres is locally listed, but this may be an error (the relevant part of Greenacres is illustrated in Figure 15).

⁷ The Council's SPG describes the application site as being within Sub-Unit 15 of the conservation area, "Kemnal Manor, Foxbury and Surrounds" in paragraphs 3.81 and 3.82, where the rural character is briefly described.

- 3.12** The buildings in question have been converted and substantially reworked in recent decades. The spire, and the courtyard group, have some residual character as a reminder of the origins of the farm and the estate (Figures 10 to 13), but there is relatively little intrinsic interest in the buildings themselves.
- 3.13** Having recently revisited Home Farm, and having discussed the works to the locally listed buildings with Mr Selby, and having seen the evidence he has put before the inquiry (which I discuss further in Chapter 4), I am convinced that these non-designated heritage assets are of relatively little intrinsic significance, and that the council has overestimated their importance.
- 3.14** It seems to me that the appeal site, which constitutes the immediate surroundings and setting of the locally listed buildings, is of some contextual relevance to their significance (such as it is), a matter that I discuss in the second table in Appendix 2.

Foxbury

- 3.15** Foxbury was listed grade II on 29 June 1973, and is officially described as follows:
- "Built by David Brandon 1876, in Gothic Revival style. An L-shaped building in stone with mullioned windows, Tudor type chimneys and gables with barge boards. Plinth. (See "The Builder" Vol 41 P 74, P 80-1)."*
- 3.16** The brevity of the list description should not be taken as a reflection of the heritage significance of the building, which is considerable. It is illustrated in Figures 6 and 7, giving an impression of the extent of the building and its presence within the landscape. The building was described in an article in The Builder of July 1881 as follows:
- "The mansion is erected upon an estate of sixty acres, on rising ground to the right of the Kemnal-road, Chislehurst. The external walls are built hollow, with Hassock stone rubble-work, faced on the outside with Kentish rag-stone laid in random courses, with a rock face, and lined on the inside with brickwork in cement. The masonry of the cornices, windows, doorways, &c., is of Combe-Down Bath stone, and the roofs are covered with Broseley tiles. The corridors throughout are of fire-proof construction, upon Fox & Barrett's principle. The principal rooms have been*

decorated with enriched paneled ceilings and characteristic high mantelpieces of oak, cedar, and walnut, inlaid with other woods, and the walls of the dining-room are lined with wood framing of pitch-pine.

The principal entrance is on the east side, through an enclosed porch, paved with marble mosaic executed by Messrs. Burke & Co., leading into the entrance-hall, which is separated from the corridors and principal staircase by arcades of Portland stone.

The principal staircase, which is 19ft. 6in. square and 27ft. high has a wainscot oak staircase of three flights, protected by balustrades of pierced strapwork, with large newels at the landings, surmounted by heraldic animals after the fashion of those at Hatfield House and other houses of similar date. The staircase windows are filled with grisailed glass, having armorial medallions in the centre of the lights, carried out by Messrs. Heaton, Butler & Bayne.

On the first floor, which is 11ft. high, there are eleven bedrooms and dressing rooms, with three bathrooms, the servants' bedrooms being arranged over the offices. The basement-storey is appropriated for the heating apparatus, wine, beer, and coal cellars, icehouse, &c.

The approach-roads and gardens were laid out by Mr. Milner, and lodges are placed at the junction of the carriage-drives with the Kemnal-road. The stables and kitchen-garden, with gardener's cottage and extensive greenhouses, are arranged on ground to the north-east of the mansion."

3.17 While the estate never became a formally designed "park", the surroundings of the listed building were optimised so that it could be seen and appreciated from different directions, particularly the east and west fronts. The extent of this landscaped enclave can be seen in Figures 6 and 7. While Home Farm is, historically and conceptually, within the setting of the grade II listed building, the visual connection between Foxbury and Home Farm is now quite minimal. Figure 6, for example, shows that a car park and a tennis court intervene between the two groups of buildings.

Summary of significance

3.18 Foxbury is self-evidently a Victorian country house of special architectural and historic interest, set within a relatively rural part of Chislehurst Conservation Area, which is a place of considerable heritage significance. Home Farm is historically associated with the Foxbury estate, but it has become a separate entity over the years, and the two groups of buildings have almost completely separate visual envelopes. While there is residual heritage interest in Home Farm as a group, the locally listed buildings (Bothy Cottage, Bothy House, and Polo Mews) have been much altered and rebuilt, and are of modest significance.

4. Heritage Impact Assessment

Introduction

- 4.1** This chapter of my evidence describes how the proposed development will affect the setting and significance of the heritage assets identified in the preceding chapter. It equates in part to Step 3 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 3 (Statement of Significance) and with the tabular methodology at Appendix 2. I begin by summarising my own position on the effects, which is unchanged from the assessment in my Heritage Impact Assessment of 2022 (**CD1.6**), and then I examine the council's responses to the proposal, including the heritage reasons for refusal of planning permission, and matters relating to local heritage policy.

The proposed development

- 4.2** The description of the proposed development, agreed in the Statement of Common Ground (**CD6.3**), is as follows:

"Demolition of part of Greenacres, demolition, alterations and extensions to part of Polo Mews North, demolition of Polo Mews South and demolition, alterations and extensions to part of The Bothy. Erection of linking extension between Polo Mews North and Polo Mews South to create 1 new dwelling. Erection of two storey extension to The Bothy and conversion from 3 into 2 dwellings. Establishment of new vineyard. Provision of new solar panel array. Erection of hydrogen energy plant and equipment. Erection of new single storey dwelling. Rearrangement of the internal access roads."

- 4.3** My evidence now turns to the effect of the proposed development on the setting and significance of the various heritage assets.

Effect on locally listed buildings

- 4.4** The physical effect of the proposal on the locally listed buildings will be small, and the removal of the modern garage in Figure 14 will open up views. The group value

will be retained, as illustrated in the Design and Access Statement submitted with application 22/03243/FULL1 **(CD1.5)**.

- 4.5** I assess the effect of the proposal on the setting of the locally listed buildings at Home Farm in the second table in Appendix 2. My conclusion is that the effect should be taken into account, as required by paragraph 29 of the NPPF **(CD9.11)**, but that it is a relatively minor issue and not one that strikes at the significance of the designated heritage assets, namely Foxbury and Chislehurst Conservation Area. The group value of Home Farm, and its contribution to the character and appearance of the conservation area, will remain.

Effect on the listed building, Foxbury

- 4.6** Although there could be said to be an abstract change within the historical setting of Foxbury, the visual change is effectively nil, or close to nil. There can be no suggestion of a significant impact on the setting of the listed building, or a reduction in its significance. Further detail is contained in the GPA3 setting assessment in Appendix 2 (first table).

Effect on Chislehurst Conservation Area

- 4.7** The overall reduction of building footprint will have a positive impact on the character and appearance of Chislehurst Conservation Area. In themselves, the reconfigurations of Polo Mews, Bothy House, Bothy Cottage, Greenacres, and their associated structures, will be relatively minor, without loss of heritage significance. The alterations, which are illustrated and discussed in the Design and Access Statement, will be beneficial to the appreciation of the group as a whole.
- 4.8** Vine House, which is the new dwelling proposed on the eastern side of the site, is too far away from Foxbury for there to be a significant effect on the setting of the listed building. Insofar as there will be a change within the conservation area, it will be in the context of the proposed vineyard, which will be consistent with the historical use of the land for agricultural purposes, and the prevailing character.

Summary of effects

4.9 My own summary of the effects of the proposed development is unchanged from my position in 2022, namely that the net impact of the reduction of built form will enhance the character and appearance of Chislehurst Conservation Area. There will be only a small effect on the setting of the grade II listed building known as Foxbury, and no harm to its significance. The group of locally listed buildings (Bothy Cottage, Bothy House and Polo Mews) will be adapted and preserved. Their group value and contribution to the character and appearance of the conservation area will be maintained. Paragraphs 207 and 208 of the NPPF (**CD9.11**) will not be engaged. There will be enhancement for the purposes of the Inspector's duty under section 72(1) of the Act, and preservation for the purposes of the duty under section 66(1).

Comments on Mr Selby's Statutory Declaration

4.10 Mr Selby's detailed evidence on the history of alterations to the locally listed buildings stands on its own merits. It demonstrates two important things, namely:

- A lack of originality.
- A lack of authenticity.

4.11 Authenticity is an important component of heritage, near the forefront of the alteration, extension or demolition of any historic building. In this particular case there is a distinct lack of authenticity, which reduces the significance of the group as well as the individual buildings themselves. Unfortunately, the council has vastly exaggerated the heritage significance of the locally listed buildings, effectively treating them as though they are grade II listed buildings rather than non-designated heritage assets to be "taken into account" within paragraph 209 of the NPPF (**CD9.11**).

4.12 Mr Selby's Statutory Declaration contains material relating to application 94/02666 which casts further doubt on the alleged significance of the locally listed buildings.

4.13 In considering further change within the group it is important to bear in mind that Home Farm is the least significant of the heritage assets affected by this appeal,

and that it makes a comparatively small contribution to the significance of the designated heritage assets under discussion.

Comments on the reasons for refusal (22/03243/FULL1)

4.14 The council's second and third reasons for refusal appear to break down into the following allegations:

- That the proposed alteration, demolition and extensions to Bothy Cottage, Bothy House and flat would be out of scale and out of keeping with the original buildings (citing excessive size, scale and design).
- That the proposal would have an adverse impact on the setting and significance as a group, failing to preserve or enhance the character and appearance of the locally listed buildings
- That the proposal alteration, demolition and extensions to numbers 1 to 4 Polo Mews would be out of scale and out of keeping with the original buildings (citing excessive size, scale and design).

4.15 I disagree with the council's negative assessment of the proposal for the reasons I have already set out in my Heritage Impact Assessment (**CD1.6**), and above. Furthermore, I have specific points of disagreement on some of the detail, which I set out below in response to what was said in the committee report. For ease of reference, I have tried to deal with the points as they arise in the committee report.

Comments on the committee report (22/03243/FULL1)

4.16 Before turning to the detail of the heritage element of the committee report I have two opening observations:

1. That the council has built its heritage case by inverting the heritage issues according to their relative impacts on significance. The main heritage issues here are that the significance of Chislehurst Conservation Area is at least preserved (I say it is enhanced), and that the significance of Foxbury is preserved unaffected. Both are designated heritage assets, and both are subject to statutory duties. Instead of being guided by these conclusions,

which point towards the absence of a credible or sustainable heritage objection, the council has instead sought to make a disproportionate issue of the effect of the proposal on non-designated heritage assets, which are of far lesser significance. In doing so, it has not even been able to demonstrate that the effect on those non-designated heritage assets (which I say is minimal) is such as to reduce the significance of the designated heritage assets.

2. The committee report is silent on the matter of the lack of authenticity to be found in the locally listed buildings, and gives insufficient weight to the effect of the fallback position on the locally listed buildings.

4.17 Turning to the discussion of heritage matters in paragraphs 6.2.11 to 6.2.37 of the committee report **(CD3.1)**, I have the following comments.

New dwelling (Vine House)

4.18 The first substantive heritage issue in the committee report (the new dwelling, Vine House) does not find clear or explicit expression in the council's first or second reasons for refusal of planning permission, other than to suggest, indirectly, that there is an effect on the setting and significance of the group of locally listed buildings. The implication is that this effect will harm the significance of the conservation area, but I cannot see anything other than an assertion to this effect in paragraphs 6.2.13 and 6.2.14 of the committee report **(CD3.1)**. I address this matter in the second table in Appendix 2, and my own conclusion is that the effect of Vine House on the setting and significance of the locally listed buildings is not harmful. Despite the council's remarks about topography and engineering works, I conclude that Vine House is a positive addition to Chislehurst Conservation Area and not something that will reduce its significance.

Bothy Cottage

4.19 Alterations and extensions to Bothy Cottage are addressed in paragraphs 6.2.18 to 6.2.24 of the committee report **(CD3.1)**. Given the extent of change that has already occurred to this building I am surprised to see it being treated by the council as though it were a grade II listed building, in terms of the commentary on extensions and changes. Bothy Cottage is not so sensitive that it cannot absorb

further change, and minor disagreements about elevational treatment could surely have been resolved relatively easily.

Bothy House and Flat

- 4.20** The committee report discusses Bothy House and the flat in paragraphs 6.2.25 to 6.2.27 (**CD3.1**). My responses are similar to those I made about Bothy Cottage above. I would add that the application should be taken on its own merits, rather than on the differential with any earlier scheme (paragraph 6.2.25).

Polo Mews

- 4.21** Given that Polo Mews is largely a modern building, constructed in part by Mr Selby himself, I am surprised to see that 12 paragraphs are devoted to it in the committee report (6.2.28 to 6.2.27, noting that there are two paragraphs numbered 6.2.29 and two numbered 6.2.33). The structure lacks authenticity and originality. Even if it is still treated as a non-designated heritage asset for the purposes of applying policy and guidance in respect of the group as a whole, I do not agree with the council's points under paragraph 6.2.31 (linear layout, setting of stable yard, Gothic archway and "stable block to the Bothy"). In my view, the concentration of such effort on the least significant aspect of the built heritage in and around the appeal site is testimony to the inverted approach that I have already described.

Comments of the council's conservation officer

- 4.22** The comments of the council's conservation officer dated 15 December 2022 and 16 August 2023 appear at Appendix 4, in which it is alleged that the proposed changes to the locally listed buildings will cause substantial harm to the significance of Chislehurst Conservation Area. I do not agree with this assessment, and it seems that the local planning authority also disagrees with its own officer. The conservation officer did not object to the new-build element of the proposal.

Compliance with local heritage policy

- 4.23** The council's second reason for refusal of planning permission refers to London Plan Policies D3 (Optimising site capacity through the design-led approach) and HC1 (Heritage conservation and growth). It seems to me that the appeal scheme optimises the capacity of the available site and provides for growth, while conserving the significance of the designated and non-designated heritage assets in and around the site. The appeal proposal seems to be very much in the spirit of Policies DC and HC1, so I am surprised to see the council suggesting otherwise.
- 4.24** The council's second reason for planning permission refers to Bromley Local Plan Policies 37 (General design of development), 49 (The Green Belt), 51 (Dwellings in the Green Belt or on Metropolitan Open Land) and 52 (Replacement residential dwellings in the Green Belt), which do not appear to me to be mainstream heritage policies. For that reason I defer to the evidence of others, particularly the evidence of Mr Escott.
- 4.25** Local Plan Policies 39 (locally listed buildings) and 41 (conservation areas) are not mentioned in the council's reasons for refusal of planning permission, but they were cited in the committee report relating to application 22/03243/FULL1 (**CD3.1**). Whatever the reason for their non-inclusion in the council's decision, it is my view that the appeal proposal is compliant with the objectives of both policies.
- 4.26** In conclusion, I can see no conflict between the appeal proposal and regional and local heritage policy.

5. Summary and conclusions

5.1 Foxbury is self-evidently a Victorian country house of special architectural and historic interest, set within a relatively rural part of Chislehurst Conservation Area, which is a place of considerable heritage significance. Home Farm is historically associated with the Foxbury estate, but it has become a separate entity over the years, and the two groups of buildings have almost completely separate visual envelopes. While there is residual heritage interest in Home Farm as a group, the locally listed buildings (Bothy Cottage, Bothy House, and Polo Mews) have been much altered and rebuilt, and are of modest significance.

5.2 The description of the proposed development, agreed in the Statement of Common Ground **(CD6.3)**, is as follows:

"Demolition of part of Greenacres, demolition, alterations and extensions to part of Polo Mews North, demolition of Polo Mews South and demolition, alterations and extensions to part of The Bothy. Erection of linking extension between Polo Mews North and Polo Mews South to create 1 new dwelling. Erection of two storey extension to The Bothy and conversion from 3 into 2 dwellings. Establishment of new vineyard. Provision of new solar panel array. Erection of hydrogen energy plant and equipment. Erection of new single storey dwelling. Rearrangement of the internal access roads."

5.3 My assessment of the effects of the proposed development is unchanged from my position in 2022 **(CD1.6)**, namely that the net impact of the reduction of built form will enhance the character and appearance of Chislehurst Conservation Area. There will be only a small effect on the setting of the grade II listed building known as Foxbury, and no harm to its significance. The group of locally listed buildings (Bothy Cottage, Bothy House and Polo Mews) will be adapted and preserved. Their group value and contribution to the character and appearance of the conservation area will be maintained. Paragraphs 207 and 208 of the NPPF **(CD9.11)** will not be engaged. There will be enhancement for the purposes of the Inspector's duty under section 72(1) of the Act, and preservation for the purposes of the duty under section 66(1) of the Act.