



WORKING FOR KENT'S GARDEN HERITAGE

**President** The Lady Kingsdown

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**TO: Maidstone Borough Council, Planning Department**

**FOR: William Fletcher**

**LEEDS ABBEY PLANNING APPLICATIONS 22/502610 & 22/502611**

**FINAL COMMENTS AND OBJECTIONS BY KENT GARDENS TRUST 02 August 2022**

**Kent Gardens Trust**

1. Kent Gardens Trust (KGT) formally objects to the proposals in PLANNING APPLICATIONS 22/502610 & 22/502611 for the reasons below.
2. Kent Gardens Trust is the County Trust working to conserve Kent's Historic Parks and Gardens. Full details of our work can be found on [www.kentgardenstrust.org.uk](http://www.kentgardenstrust.org.uk). Every County has a Gardens Trust. The Gardens Trust [www.thegardenstrust.org](http://www.thegardenstrust.org) is the national charity on the National Level. We are working with The Gardens Trust in preparation of these assessments, comments and objections.

**Maidstone's Heritage**

3. Maidstone Borough has a unique heritage of 18<sup>th</sup> century parks with Mote Park (recently restored to great acclaim) and Vinters Park by Capability Brown's successor Humphry Repton within the town boundaries and Leeds Abbey by Brown himself just outside the eastern boundary of the urban area. This is perhaps not fully appreciated and a better understanding of the value of this heritage to the town would bring great benefits for the image of the town and encourage visitors.

**Kent Gardens Trust's approach to the applications**

4. We are very familiar with Leeds Abbey, its landscape and its history as it has a chapter in our book Capability Brown in Kent, 2016, which commemorates the tercentenary of Brown's birth. This was fully researched by Dr Hugh Vaux, who lived locally, and this history is largely replicated in the heritage reports accompanying the application. Our concerns are thus for the conservation and enhancement of what is shown to be, in our evidence based submission, a unique survivor of Brown's work.

5. We recognise that a form of Enabling Development (Historic England 2020) may be needed and at the very least a detailed Section 106 Agreement will be required to secure the restoration of this unique landscape and its setting.
6. The assumptions in the reports with the application seem to be that Brown would have proposed the replacement of the Tudor house with a contemporary house in a more prominent location. No evidence is given for this assumption, and it is certainly **not** the case that Brown always recommended this. There are houses below a dam holding a Brown-designed lake at Packington and Coombe Abbey. With reference to the visibility of a lake from the house, the lake is hardly visible from the house in, for example, at Wimpole and Kirtlington, and also other properties. Surprisingly, no reference is made to the two books (Capability Brown: Designing the English Landscape & Place Making: The Art of Capability Brown) and many papers by John Phibbs who is the leading expert on Capability Brown.
7. It is stated in the reports with the applications that the landscape of Leeds Abbey 'was not completed' but no evidence is given for this. The extraordinarily large sum of £2,000 was paid to Brown for the work in the early 1770s so, unless proved otherwise, it can be assumed that this is funding for an almost complete Brown landscape. As the site is relatively small, it is likely that this large sum also funded the creation of the farm buildings, which are shown on the 1797 Ordnance Survey drawing. The relevant reports in the applications should have analysed the use of this money at Leeds Abbey, compared to similarly large sums given to Brown at other estates, before drawing conclusions that a new main house was proposed. The recorded payment to Brown's son-in-law, the architect Henry Holland, for work on the Tudor house may also mean that a replacement house was never intended. Unless proved otherwise, it is logical to deduce that the 1797 OS drawing shows the completed Brown landscape for Leeds Abbey.
8. Furthermore, its abandonment soon after its completion has ensured the survival of the essential Brownian features of the lake in a valley with gentle slopes.
9. The Heritage reports by Jonathan Lovie and SR Historic Environment seem to have been written to justify the proposals rather than objectively describing the heritage and drawing evidence based proposals.
10. The proposals themselves in the Design and Access Statement are very unsatisfactory and read more like a developer's brochure than an objective assessment of a heritage asset of National Importance. That this is a heritage asset of National Importance is acknowledged in the conclusions of the SR Historic Environment report, and on the cover of the report, where the 1797 Ordnance Survey drawing is referred to as '..... **showing Brown's design at its zenith**'.

### **Proposed extension of the lake**

11. This is an entirely inappropriate proposal and would be seriously damaging to this unique Capability Brown landscape. We know of no examples of this in a Brown landscape. The proposed lake/pond is, in any event, within the Scheduled Monument. It would destroy part of the site of the Tudor house, and the old walls identified as 'E' in the Archaeology South-East report under planning application 11/0087. Given the levels in this area of the site there would be a huge visual impact of crude earthworks for the dam and banks. None of this is detailed in the application. Furthermore, this would destroy the tumbling stream below the dam, which was clearly integral to Brown's design next to the Tudor house.
12. **This must be refused as entirely inappropriate to the historic and national value of the site.**

### **Location of the house**

13. The location of the house was always integral to Brown's landscapes so KGT's comments about this are firmly within our remit of working to conserve Kent's Historic Parks and Gardens.
14. The house should be located to respect the Brown landscape in the 1797 OS drawing and not be located on the site of the original farm.
15. **If this general location on the west bank of the lake is accepted in the balance of planning Policies, the house should be sited between the listed wall to the south and the dovecot/pigeon house to the south of this wall. It will then retain the original farm site and also overlook the lake.**

### **Style and Massing of the Proposed House**

16. The Queen Anne style is not appropriate for this site for many reasons.
17. Queen Anne died in 1714, over fifty years before Brown visited the Leeds Abbey site. The style of the house is thus wholly inappropriate both in overall design and complicated detailing. It is effectively a four storey house and is square and block like in massing. This is not in scale with the setting in this Capability Brown parkland.
18. There was a Tudor mansion on the site when Brown visited and he designed the landscape around this. For any historical continuity or respect for the historic design of the landscape the proposed house should be in the plain Georgian Classical style of the 1770s, when Brown made his plans and carried out the work as, in effect, a contractor to the owner. The deteriorating Tudor house was demolished not long after this. It is noted that the website of Ben Pentreath Architects offers houses in precisely this plain Georgian Classical style which could be used at Leeds Abbey.
19. This style will fit well as an extension of the footprint of the original farmyard.

**20. The style of the house, if it will be historically referenced, must be in a plain Georgian Classical style.**

#### **Materials**

21. The local building material is Kentish Ragstone. The site is on the geological Hythe Formation which is the origin of Kentish Ragstone. It is nationally significant as the building stone for Roman London and for Medieval London, including Westminster Abbey and the Tower of London, Canterbury Cathedral and innumerable houses and churches of all sizes since then. Maidstone has always been the centre of Kentish Ragstone production.

**22. The proposed house must have a significant proportion of Kentish Ragstone facing to be appropriate in this historic setting. There is a good example of a stone faced Georgian house on the website of Ben Pentreath Architects.**

#### **Restoration of the Brown Landscape**

23. No significant details of the proposed restoration of this nationally important historic landscape have been provided in this application. Given that this is a Capability Brown designed parkland, and that this is a detailed planning application, this a serious enough omission to, in our view, refuse this application on these grounds alone.

**24. A restoration and long term management plan for the whole site must be provided before the application is determined.**

#### **Guaranteeing the restoration of the Historic Landscape**

25. These proposals depend on guaranteeing the restoration of the historic Capability Brown landscape. In the documents available on the MBC planning website, there is no offer of Enabling Development for guaranteeing the restoration and conservation of the unique Brown landscape. There is no Unilateral Undertaking offering a Section 106 Agreement. This is the only way to legally ensure that these works are funded and carried out in conjunction with the proposals.

26. There is only a phasing proposal which pushes these works towards the end of the construction period in what must be an unacceptable manner. Planning Conditions would be an entirely inappropriate way to achieve the necessary rescue of this historic site from long term decline.

**27. A Planning Permission should only be granted if it is tied to the formal Enabling Development process or all the works to restore the site are legally secured with a detailed Section 106 Agreement.**

### **Impacts on Listed Buildings and the Open Countryside**

28. A new entrance to the proposed development is detailed in the applications. This is to the north east of the existing access on to Lower Street, the B2163.
29. It is proposed to construct a new gatehouse each side of this access and very close to the carriageway of Lower Street. The line of the existing driveway will be replaced with a new alignment and the access to Abbey Farmhouse will be moved further to the north east and close to the frontage of the property.
30. The existing drive is the original one shown on the 1797 Ordnance Survey drawing which, it is agreed, shows the completed Capability Brown Landscape. It is also shown in this location on Andrews' Map of Kent of 1769.
31. The approach to the location and design of these gatehouses is not detailed in the applications. There is no justification for the value they create on the site and that this will be tied to the costs of restoring and conserving this uniquely significant Capability Brown landscape.
32. The gatehouses are proposed in the open landscape separating the two parts of Leeds Village. Both parts of the village are ancient settlements and contain many listed buildings, mainly typical Kent houses.
33. The basic assessments for this proposal, to meet the requirements of the NPPF and Maidstone planning policies, are not available from the online planning applications.
34. A Landscape and Visual Impact Assessment is essential to begin to understand these impacts. A formal evaluation of the Heritage Impacts is also required before the appropriate decisions can be made. The entrance to a Capability Brown estate is always carefully considered and designed for its setting. An assessment of examples similar to Leeds Abbey should be provided for a transparent assessment of this proposal.
35. Abbey Farmhouse is Listed Grade II and is late 17<sup>th</sup> century and pre-dates the Capability Brown designs. The driveway and view of Abbey Farmhouse must therefore be considered to be an integral part of the Brown design. The location of the gatehouses is simply wrong in this historic setting. Their design is in any event entirely inappropriate in the context of the Leeds Abbey estate.
36. **The gatehouses and relocated access and driveway are not appropriate in terms of siting in the open countryside and would seriously damage the heritage setting of the site. They should be refused.**

### **Detailed Assessment of the Planning Issues.**

37. The paragraphs below address the various statements made in DHA Planning Statement (*using their paragraph numbering system as reference*) and KGT's assessment of the national and local planning policies.

- 5.2.2 NPPF Paragraph 80 – It is clear from the evidence that it cannot be said that *“the development would represent the optimal viable use of a heritage asset.”*
- 5.2.3 NPPF Paragraph 189 NPPF states *“heritage assets ..... should be conserved in a manner appropriate to their significance.”* The proposal to construct a Queen Anne style house is clearly not appropriate. *“Paragraph 197 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.”* The proposals do not sustain or enhance the significance of the heritage asset. They significantly conflict with the heritage asset and would permanently damage its national and local significance. In these circumstances the proposals conflict with policies DM1 and DM30 of the Adopted Local Plan, which respectively address the principles of good design and design principles in the countryside.
- 5.2.5 With reference to NPPF Paragraph 208, KGT does not dispute the need to restore and maintain nationally significant heritage assets. However, the proposal clearly does not do this It therefore fails to meet the requirements for departing from policy SP17, which addresses the broad issue of development in the countryside.
- 5.3.4 It is clear that without a funding mechanism the heritage value of the site will continue to decline. Nevertheless, the proposals must be appropriate. It has not been shown that Historic England (HE) in any way agrees with the proposals. KGT's initial discussions with HE indicate that HE is not satisfied with aspects of the proposals.
- 5.3.5 The applicants say that the proposal to create a large manor and 2 associated gatehouses has been agreed with HE and represents the best option for protecting, restoring and maintaining the historical significance of the site. The 2 gatehouses are a new development proposal which, in their proposed location, are entirely unrelated to the heritage of the Capability Brown landscape and the Scheduled Monument listing of the site. The proposed manor house is in an entirely new location, on the site of the farm which was part of the Brown design. If any development is proposed on the site of the farm it should respect the scale of buildings in a late 18<sup>th</sup> century farm as a landscape feature. The process to arrive at the proposals should start with a transparent assessment of the Heritage Asset and then develop the financial viability evidence. The current approach to the financial viability does not in any event offer a legal link to ensure that profits from the development will be spent on restoring this important

Heritage Asset. This is, in effect, confirmed in paragraph 5.3.6 of the Planning Statement.

- 5.3.7 The proposed Manor house is located on the site of the farm in the Brown designed landscape. This location also requires the creation of an extension of the lake below the existing lake. The earthworks for this would be very extensive. No evidence has been provided of the impacts a possible destruction of the Scheduled Monument. Both elements of the proposal would damage the Brown landscape and presumably the Scheduled Monument.
- 5.3.9 The applicant's consultants acknowledge that the proposals constitute a mixture of moderate and minor harm. These are partly subjective judgements. In the evidence based opinion of KGT the impact of the proposals will result in substantial harm and for this reason, planning permission needs to be refused.
- 5.3.11 The only way that the proposals for the site can secure its restoration and long term management and that the site will remain in a single ownership is through a Section 106 Agreement or an Enabling Development. KGT requests that the Council ensure that this is the case in any planning permission. The suggestion that the proposals "offer a clear incentive" for this does not have the required legal standing.
- 5.3.12 Given the importance of the heritage of site and the benefits to the owners of development which would not otherwise be permitted, the offer of opening the site to the public from just 2 days a year should be reconsidered.
- 5.4.2 The applicant's consultant acknowledges that the proposal **will extend built form into the countryside**. In terms of policy, this is to be resisted unless it can be justified by legally enforceable restoration of the Brown landscape. From what has already been set out in this objection by KGT, the proposals have not been justified and therefore they conflict with planning policies, especially SP17.

#### **Planning Balance**

- 5.9.4 We are surprised that the proposal has been linked to the Council's current strategy of promoting two garden settlements. The Council's emerging local plan identifies all those settlements where greenfield development is proposed. Leeds is not one of them. The proposal therefore conflicts with Policy SS1 of the Adopted Local plan which sets out the spatial strategy for development within the borough.
- 5.9.5 The location of the house on the site of former farmyard is discussed, even though the farmyard is an integral part of the Brown design in the 1707 OS drawing, which Dr Rutherford recognises as the "zenith" of the Brown landscape. The acknowledgement that the proposal will result in moderate harm is welcome. KGT clearly regards the harm as very significant, based

on the evidence, and that permission should be refused. No mention is made of the harm to the Scheduled Monument where there would clearly be very significant harm. The proposal therefore conflicts with Policy SP18 of the Adopted Local Plan, a strategic policy which seeks to protect and enhance the diversity and quality of heritage assets. It also conflicts with policy DM4, which addresses development proposals affecting designated and non-designated heritage assets.

- 5.9.6. These benefits can only be delivered by a proposal which respects the heritage of the site and guarantees that they will be achieved through an appropriate legal mechanism.
- 5.9.7 As detailed in 5.3.11, an “incentive” is not adequate in this case and an appropriate legal mechanism is required.
- 5.9.8 The contentions here are fundamentally wrong. Much of the site has been abandoned for up to 200 years but the lake and the form of the landscape remain. The need to restore and enhance the site mean that this can be achieved with sensitive proposals. It does not mean that any development of whatever style and location is justified.
- 5.9.9 It is not correct to refer to “the urban area of the villages of Leeds.” Leeds is only one small village, in two parts with open countryside between them. Leeds is regarded as being so small that it does not even have a defined built-up area in the adopted or submitted Local Plans. As stated above, the proposal would conflict with Policy SS1
- 5.9.12. This paragraph again acknowledges that the proposal conflicts with Policy SP17 of the Adopted Local Plan. KGT considers that it constitutes a fundamental conflict that is not justified in any significant way by the proposals. In addition to this, the application does not demonstrate how the proposals accord with the Council’s design policies DM1: the principles of good design; DM4: development affecting designated and non-designated heritage assets and DM30: design principles in the countryside.

**The proposals conflict with the Borough Council’s planning policies essential to their determination and the applications and permission should be refused.**