

## **Housing and Planning Scrutiny Select Committee**

**15 July 2025**

### **Part 1 - Public**

#### **Matters for Cabinet - Key Decision**



Cabinet Member	Cllr Mike Taylor – Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle – Director of Planning, Housing and Environmental Health
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#### **Heritage Information and Advice to Support the Local Plan including Information in relation to Conservation Areas**

### **1 Summary and Purpose of Report**

- 1.1 The purpose of this report is to set out to Members the approach the Council should take in relation to obtaining heritage information and evidence to support the emerging Local Plan including progressing work on Conservation Area statements and Appraisals. In doing so, the report also considers advice from the Heritage Strategy that was produced in 2024 to support the emerging Local Plan. Legal advice has also been sought on the approach as set out in this report. The report first addresses the matter of Conservation Area Appraisals and then presents this in the context of information and evidence required to support the Local Plan to ensure that a sound local plan is submitted for examination.

### **2 Corporate Strategy Priority Area**

- 2.1 The report will contribute to the following corporate priorities:
- Improving housing options for local people whilst protecting our outdoor areas of importance.
  - Efficient services for all our residents, maintaining an effective council.
  - Sustaining a borough which cares for the environment.
- 2.2 Information and evidence on heritage matters including Conservation Area Statements / Appraisals will provide information to help inform future change, development and design with regards to the sensitivities of the borough's historic environment and its unique character ensuring that development can make a positive contribution to local character and distinctiveness as set out in the NPPF (paragraph 203). Local Plans should set out a positive strategy in that regard.

### 3 Recommendations

3.1 HPSSC is asked to recommend to Cabinet:

- 3.1.1 To agree the approach set out within this paper to progressing heritage information and evidence to support the local plan.
- 3.1.2 To agree the approach to progressing Conservation Area Statements for those areas considered to be a priority to support the Local Plan (table 3).
- 3.1.3 To note that as part of the evidence gathering approach for the Local Plan that work will be progressed in relation to identifying any heritage issues as relevant to potential site allocations within the Local Plan process to ensure that sufficient information is provided at each key stage of the Local Plan process.
- 3.1.4 To agree the priority in progressing the additional work between the various Conservation Areas as per Annex 1.
- 3.1.5 To agree the Council will either (a) or (b):
  - (a) produce short Conservation Area Statements for all Conservation Areas that do not currently have a Conservation Area Appraisal as a starting point to ensure that information is available for all Conservation Areas in the borough. Please note that this will be at extra cost and this will take both financial and staffing resource away from progressing full Conservation Area Appraisals for those that do not currently have one or where appraisals require a review and update.
  - OR
  - (b) not take forward Conservation Area Statements (for those non priority Conservation Areas) at extra cost for the remaining non-priority areas and instead produce full Conservation Area Appraisals where necessary in the order of priority set out at Annex 1.

3.2 To note the Heritage Strategy which will be made publicly available following the meeting.

### 4 Introduction and Background

4.1 The NPPF looks to local plans to set out a positive strategy for the conservation and enjoyment of the historic environment that includes recognising the desirability of sustaining and enhancing the significance of heritage assets, considers the wider social, cultural, economic and environmental benefits that conservation of the historic environment can provide and the positive contribution

to local character, distinctiveness and character of place that the historic environment can bring and that new development should make<sup>1</sup>.

- 4.2 The NPPF defines heritage assets as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)”. Designated heritage assets include “World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation and a non-designated asset includes “buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”.
- 4.3 Conservation Areas are a designated heritage asset and are designated and maintained by the local authority to cover areas of special historic or architectural interest. The designation provides recognition in the planning process of the special character of an area and ensures that preservation or enhancement of this character is a priority in decision making. Under s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when determining planning applications which affect a Conservation Area, the Council is required to pay “special attention... to the desirability of preserving or enhancing the character or appearance of that area” There are 60 Conservation Areas in the borough, with the majority of these covering historic village cores, hamlets, parkland, and areas of historic townscape. Each Conservation Area will have been formally designated on the basis that it has sufficient special architectural or historic interest to justify its designation.

## **5 Legislative and policy position relating to the historic environment and plan-making**

- 5.1 In line with the NPPF as set out above in section 4, the PPG<sup>2</sup> advises that in developing the local plan strategy, specific opportunities should be identified to conserve and enhance heritage assets and their setting. This can include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness, with particular regard given to the prevailing styles of design and use of materials in a local area.
- 5.2 The PPG goes on to say that “the delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure”. In addition, the relationship and

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<sup>1</sup> NPPF, Paragraph 203

<sup>2</sup> PPG Paragraph: 003 Reference ID: 18a-003-20190723

impact of other policies on the delivery of the strategy for conservation will also need to be considered.

- 5.3 The NPPF states at Paragraph 205 that “Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area”.
- 5.4 In relation to the evidence that is required to plan for the conservation and enhancement of the historic environment, PPG<sup>3</sup> provides that
- “Planning policies need to be based on up-to-date evidence about the historic environment in their area. Strategic policy-making authorities can use this evidence to assess the significance of heritage assets and the contribution they make to their environment and to predict the likelihood of currently unidentified heritage assets being discovered in the future. Authorities may draw on a wide range of evidence sources, including the relevant historic environment record, the National Heritage List for England, conservation area management plans and appraisals, and local consultations that have identified assets of local historic importance<sup>4</sup>.”
- 5.5 In relation to Conservation Areas, the PPG ‘Historic Environment’ states that local planning authorities must review their Conservation Areas from time to time as per (section 69(2)) of the Planning (Listed Buildings and Conservation Areas) Act 1990). The relevant guidance from Historic England 2019<sup>5</sup> advises that “Resources permitting, [review] every five years is ideal, but review frequency will vary according to the development pressures in the local area” (section 7 of Advice Note).
- 5.6 In relation to plan-making, there is no specific policy requirement for local planning authorities to have in place Conservation Area Appraisals prior to the preparation or adoption of a Local Plan. However, the impact of potential development on a Conservation Area or its setting does need to be understood to ensure sustainable development and to ensure that harm is minimised.
- 5.7 Given the above, it is recognised that evidence relating to the historic environment is required to support the Council’s emerging policy approach and to ensure that this evidence is as up-to-date and as robust as possible. Such evidence will also need to be alive of any site-specific issues, where detailed consideration of sites and any relevant Conservation Areas, where proposed development may have a significant impact on the Conservation Area will need to be understood as part of

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<sup>3</sup> PPG Paragraph 045 Reference ID:61-045-20190315

<sup>4</sup> See also ID:18a-20190723 which demonstrates the need for up to date evidence in setting out a positive strategy in a local plan for conservation and enjoyment of the historic environment, identifying specific opportunities for conservation and enhancement of heritage assets, including their setting.

<sup>5</sup> Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1

the Council's policy approach. The HE guidance above provides one detailed approach for how those kinds of issues might be addressed.

5.8 It is worth noting that as per paragraph 32 of the NPPF that evidence 'should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned....'. The NPPF also defines 'justified' as 'an appropriate strategy, taking into account reasonable alternatives, and based on proportionate evidence'.

5.9 In addition, information relating to the historic environment including Conservation Areas is also required to help inform decision making where applications have potential to affect heritage assets.

## **6 Heritage information and evidence to support the Local Plan**

6.1 As per sections 4 and 5 of this report, heritage information is required to support the emerging Local Plan and its policies.

6.2 To help inform the Local Plan, the Council progressed a Tonbridge and Malling Heritage Strategy in 2024. This is provided at Annex 2 for information and will be provided publicly on the Council's Local Plan evidence base pages following this Committee. The Heritage Strategy is a Local Plan evidence base document and there is no requirement to formally adopt the Strategy.

6.3 The aim of the Heritage Strategy is to provide an evidence base and vision for the borough's historic environment. Part two of the Strategy considers how heritage can be a positive driver for change, sets out challenges and responses to address these, which then feed into a number of strategic aims and next steps.

6.4 To date the Heritage Strategy has been used to help inform emerging draft local plan policies to ensure the plan provides a positive strategy for the conservation and enjoyment of the historic environment. It has also been used to help inform the approach that we will take to ensure that relevant and up-to-date information is available to support the local plan, of which this is one of the strategy's strategic aims (page 29).

6.5 In relation to Conservation Areas, the Heritage Strategy provides two recommendations. Recommendation 1A (page 30) – Develop a plan to ensure Conservation Area Appraisals are created and updated. The justification is to understand heritage assets as these are key to ensuring they are properly addressed in local plan writing and decision making. The Strategy identifies next steps as set out in the table below:

	<b>Next Steps</b>	<b>Status</b>
1.	Identify priority Conservation Areas which are under greatest development pressure	Complete

	<b>Next Steps</b>	<b>Status</b>
2.	Enquire with Historic England as to potential funding for resourcing or training regarding the production of Appraisals	Skills Funding obtained and used to progress four appraisals in 2024/25.  There is no further funding available.
3.	Identify appropriate resource and timetable for producing short character statements or appraisals for the priority Conservation Areas	Underway
4.	Produce short character statements for priority Conservation Areas	Project to be procured
5.	Decide whether to roll out character statements for remaining Conservation Areas OR convert short character statements for priority Conservation Areas into full Appraisals	To be progressed

- 6.6 The second recommendation directly related to the local plan is Recommendation 3B – Ensure the historic environment is appropriately addressed in Local Plan site allocations. The rationale behind this is that the site selection process should take account of heritage assets prior to their allocation through identifying, at a high level, risks of harming heritage assets and ways that heritage assets can be conserved and enhanced whilst enabling sustainable development. The next steps identified in the report are set out in the below table:

	<b>Next steps</b>	<b>Status</b>
1.	Identify strategic site allocations	Progressing
2.	Undertake heritage appraisals to inform capacity and spatial arrangement of strategic site allocations. These heritage appraisals should identify potential harm to heritage assets, ways that sustainable development could be achieved which minimises the risk of harm	Officer desk based and site visits undertaken, including understanding (high-level) whether sites have any known or are appreciated to have high levels of heritage value and whether development would result in any potential harm to heritage assets and/or the extent to which this could

	<b>Next steps</b>	<b>Status</b>
	and opportunities to conserve and enhance heritage assets.	<p>be mitigated or whether development should be avoided.</p> <p>Advice is being sought from consultants to understand whether heritage assets would affect the overall deliverability of a site and opportunities to conserve and enhance heritage assets.</p> <p>Further detailed work to be progressed in collaboration with site promoters also and the extent to which this could be mitigated.</p>
3.	Consider the need for high level appraisals of smaller potential site allocations where there may be a significant risk of harming heritage assets.	<p>Officer desk based and site visits undertaken, including understanding (high level) any potential harm to heritage assets and whether this can be mitigated.</p> <p>Advice is being sought from consultants to understand whether heritage assets would affect the overall deliverability of a site and opportunities to conserve and enhance heritage assets.</p>

- 6.7 As per the above, information relating to heritage assets including Conservation Areas is being progressed to support policy formulation and the Local Plan at Examination.

## **7 Proposal for information and evidence relating to Conservation Areas**

- 7.1 In recognising the national policy requirement for heritage information and evidence to support the emerging Local Plan, the Local Plan budget, which was reported to HPSSC in February 2025 identified £40k per year to progress Heritage advice and Conservation Area Statements / Appraisals within the borough.
- 7.2 In 2024 the Council received £25k from the Government's Planning Skills Fund and has progressed four Conservation Area Appraisals including Hadlow and Hadlow Freehold, New Barns and Broadwater and Aylesford. Whilst consultation is required on these latest Conservation Area Appraisals, 20 out of 60 Conservation Areas now have an appraisal that details the aspects of their

character which make them significant. However, 16 of these appraisals were published some time ago (between 2001 and 2011). Given Historic England's advice, the 16 appraisals require a review to ensure they provide up-to-date information. There are 40 Conservation Areas that do not currently have a statement / appraisal at all.

- 7.3 Annex 1 sets out each Conservation Area within the borough, the size of the Conservation Area and whether a Conservation Area Appraisal already exists and the date of the appraisal, where one has been undertaken previously.
- 7.4 We have considered in detail how best to progress the evidence that is required to ensure that the local plan can be found sound in relation to the historic environment and Conservation Areas. The factors we have considered include the following:
- Whether information is available through an existing Conservation Area appraisal, no matter the date of the appraisal, therefore providing information on the special characteristics of the Conservation Area that can be used in planning considerations;
  - The location of the Conservation Area, in particular whether the Conservation Area is located either within or adjacent to an emerging sustainable settlement<sup>6</sup>, where development (subject to other policy considerations), would generally be accepted at a sustainable settlement that has a built-up settlement confines boundary;
  - Likely development pressure either through the submission of planning applications and / or through potential development options that may be progressed through the emerging local plan;
  - A consideration of development quantum's and potential strategic sites, where it is more likely that there will be more development pressure in the boroughs more sustainable locations than rural locations and opportunities to enhance and conserve the historic environment; and
  - The size of the Conservation Area.
- 7.5 Taking into account these considerations as well as advice from the heritage strategy, four phases to obtaining Conservation Area information and evidence have been identified as below.

(1) To gather information and evidence for those Conservation Areas that are located within or adjacent to a sustainable settlement in the emerging Local Plan,

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<sup>6</sup> Please see Annex 3 which sets out the emerging settlement hierarchy and settlements considered to be sustainable.



that do not currently have a Conservation Area appraisal. There are 14 in this phase.

(2) To update and review Conservation Area Appraisals for Conservation Areas that are located within or adjacent to a sustainable settlement in the emerging Local Plan that have a dated Conservation Area appraisal. There are 8 in this phase.

(3) To gather information and evidence for Conservation Areas that are located in a rural location that do not currently have an appraisal. There are 27 in this phase.

(4) To update and review Conservation Area Appraisals for Conservation Areas that are located in a rural location that have a dated Conservation Area appraisal. There are 7 in this phase.

7.5.1 A priority for the Council is to ensure that information and evidence is available to support the emerging Local Plan. Obtaining full Conservation Area Appraisals either new or updated for 60 Conservation Areas is not achievable within the Local Plan timetable where a plan is due to be submitted by December 2026. However, it will be possible to obtain Conservation Area Character Statements for priority areas (see Table 3 below) to support the Local Plan. This work will provide sufficient information in which to support the plan and will also provide information to aid decision-making, in the absence of full Conservation Area Appraisals. Each statement will provide the special interest of each Conservation Area and a map showing all heritage designations plus key views. It is envisaged that this piece of work may cost in the region of £20-30k and can be undertaken in line with this year's budget allocation.

7.5.2 In addition, work will also be progressed in relation to identifying any heritage issues as relevant to potential site allocations within the Local Plan process to ensure that sufficient information is provided at each key stage of the Local Plan process. This includes at Regulation 18 stage. Funding is also available for this area of work.

7.5.3 To ensure that information and evidence is available to support the local plan the following Conservation Area statements will be progressed as a priority.

<b>Conservation Area</b>	<b>Size (ha)</b>
Snoll Hatch East Peckham	3.16
Wateringbury	61.41
Wateringbury Station	1.07
Clare Park And Blacklands	18.36
Birling	5.33
Butts Hill Wrotham	0.59
Ightham	26.52

<b>Conservation Area</b>	<b>Size (ha)</b>
Platt	9.80
Plaxtol	20.42
Ryarsh Village	4.46
The Street Mereworth	4.27
Wrotham	22.29
Holborough Mill Snodland	3.22
Haysden	2.98

- 7.5.4 In relation to next steps, there are options. The Council can either continue to progress Conservation Area character statements for all Conservation Areas that currently do not have a Conservation Area Appraisal to ensure that sufficient information is available for decision making at a quicker pace or it can start to progress full Conservation Area Appraisals and update and review existing Conservation Area Appraisals. Existing Conservation Area Appraisals are available to view on the TMBC website for reference.
- 7.5.5 The table provided at Annex 1, whether Conservation Area Statements are progressed or whether full appraisals are progressed first, sets out the order in which Statement and / or Appraisals will be prepared / updated. This accounts for the evidence and information required for the local plan as well as the phasing as detailed above. Please note that where a Conservation Area Statement is prepared, it may be considered necessary to progress full Conservation Area Appraisals as well. Conservation Area Statements are intended as a proportionate temporary measure to ensure that information is available in the absence of a full Conservation Area Appraisal. For those non-priority areas, progressing Conservation Area Statements is not an evidence base requirement for the Local Plan.
- 7.5.6 There are a number of Conservation Areas that are in close proximity to each other where it should be possible to prepare these together. These are indicated within the table at Annex 1 also.
- 7.5.7 In relation to non-priority Conservation Area Statements / Appraisals, the aim is to progress a number of statements / appraisals per year. Within the budget identified.
- 7.5.8 For the 2025/2026 financial year, the focus and budget will need to be allocated to progressing Conservation Area Statements. It will need to be determined once costs are received on how many Conservation Area Statements / Appraisals can be progressed in the 2026/2027 financial year, also taking into account any other heritage advice that may be required to support the Local Plan.
- 7.5.10 Given that the Council does not employ a Conservation and Design Officer, work is planned to be outsourced to a suitable and expert heritage and design

consultancy, with work being overseen by the planning policy team in liaison with advice from the Conservation and Design team at Sevenoaks District Council. With current resources in the planning policy team and the focus that is required to progress the Local Plan, it will be difficult to support consultants to progress more than 4-7 Conservation Area Appraisals per year. The capacity within the team to progress additional projects is already at its limit given the Local Plan work Programme.

## **8 Other Options**

- 8.1 It is a national policy requirement for Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.
- 8.2 This report has set out how it intends to progress historic environment information and evidence to support the Local Plan including progressing / reviewing and updating Conservation Area Statements / appraisals for the 60 Conservation Areas that are designated in the borough.
- 8.3 As described above, an alternative option to progressing full Conservation Areas Appraisals in the short-term is to progress Conservation Area Character Statements for Conservation Areas that do not currently have a Conservation Area Appraisal, which the Council will need to progress at a minimum for its priority areas to support the Local Plan.
- 8.4 Producing Conservation Area Statements for priority areas is a necessity to ensure a sound Local Plan, however, it is not necessary to progress these for the non-priority areas. However, producing Statements for those non-priority areas could achieve more coverage within a shorter time period. However, it would also take resources away from progressing full Conservation Area Appraisals. Please note that progressing Conservation Area Appraisals, even if a Statement is produced, will need to be progressed in any case, particularly for those Conservation Areas identified in Phase A and Phase B as set out in Annex 1.

## **9 Financial and Value for Money Considerations**

- 9.1 The Local Plan budget identified £40k per year for heritage information and evidence and related work including Conservation Area appraisals. There is also a remaining budget of £7,783 which the Council will use to obtain advice relating to potential site allocations.
- 9.2 Future work in relation to Conservation Areas will be progressed through a compliant procurement route, which will ensure that value for money is achieved.

## **10 Risk Assessment**

- 10.1 Heritage information is required to support plan making. There is a risk that should this not be available or the right information not being available for priority

Conservation Areas then the plan could be found unsound at examination, due to being non-compliant with the NPPF.

## **11 Legal Implications**

- 11.1 Local Planning Authorities are required to prepare and keep an up to date a development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.
- 11.2 There are no further legal implications in relation to Conservation Area Appraisals as per section 5 above.

## **12 Consultation and Communications**

- 12.1 Where new Conservation Area appraisals are undertaken it is good practice to consult on the appraisals with the community. Three new appraisals have been undertaken and consultation on these will be undertaken in due course prior to the appraisals being finalised.

## **13 Implementation**

- 13.1 Certain work relating to heritage assets including Conservation Areas that are located near to proposed allocated sites in the emerging local plan will require evidence to support the emerging local plan. Work streams relating to this therefore need to be implemented to achieve this as a priority. Non-priority Conservation Area Statements / Appraisals can be progressed also, subject to available budget. However, budget will not be available to progress work on non-priority Conservation Area's this financial year. How Conservation Area Statements / Appraisals will be progressed is detailed in Annex 1.

## **14 Cross Cutting Issues**

### **14.1 Climate Change and Biodiversity**

- 14.1.1 Limited or low impact on emissions and environment.
- 14.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

### **14.2 Equalities and Diversity**

- 14.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **14.3 Other If Relevant**

- Human Resources

- Procurement

14.3.1 The work required will require the procurement of services. It will also require the work streams to be resourced by officers within the planning policy team. In progressing full Conservation Area Appraisals, this will create an additional workstream at a time when capacity is low given the timelines to progress a local plan by December 2026.

Background Papers	Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1
Annexes	Annex 1 TMBC Conservation Areas and priorities Annex 2 Tonbridge and Malling Heritage Strategy Annex 3 Draft Settlement Hierarchy