

12<sup>th</sup> March 2021

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Borden  
Kent [REDACTED]

Mr J Freeman  
Head of Planning  
Swale Borough Council  
Swale House  
East Street  
Sittingbourne  
Kent ME10 3HT

Dear Mr Freeman,

**URGENT- Borden Parish Council Review Feedback  
Borden (The Street) Conservation Area Boundary Extension  
Borden Parish Character Appraisals and Management Plan Area Reviews**

I refer to the consultation letter dated 19 February 2021 from Simon Algar to A Hinge and Sons Limited in connection with the above which has been forwarded to me for information and to respond as appropriate.

I also wish to lodge an **Objection** to the above mentioned document and in particular to the extension of the Borden (The Street) Conservation Area as proposed in the document.

I appreciate Conservation Area designations are periodically reviewed. However, the surrounding open land that has little or no conservation merit to be included within the boundaries of such areas. Guidance from Historic England recommends that conservation area boundaries should be drawn tightly around an area in order to justify and protect buildings of special architectural and historic interest and also not to devalue the area through lack of special interest.

The significance of a heritage asset is defined in the NPPF as being made up of four main constituents, architectural interest, historical interest, archaeological interest and artistic interest. The setting of a heritage asset is not included as one of these constituents.

The report itself identifies the need to protect views of landmarks views and vistas both within and outside the conservation area. As we have stated, this can be already be achieved without having an additional layer of bureaucracy imposed on the land.

I also wish to comments on the manner of how this consultation exercise has been managed by the Council to date.

I understand the Council undertook a public consultation exercise between 5 October 2020 to 15 November 2020 in respect of proposed extensions and changes to the four conservation areas in Borden as set out in the Borden Management Extension that covered changes to four conservation areas in Borden.

I also understand the limited number of comments and representations received by the Council were considered at the Local Plan Panel meeting on 18 February 2021. Although the Committee recognised that certain landowners had not been consulted, it recommend to proceed with the conservation area extension and this is to be considered again at the Council's Cabinet on 17 March 2021. The Committee has since considered that any comments from landowners who had not been consulted could be reported to the Cabinet meeting on 17 March 2021.

I do not consider this to be a transparent or fair on other parties including those affected by the proposed extension are the owners of land within the proposed extension of the conservation area. The Council's Local Plan Panel reached a decision on this consultation with the full knowledge that it had not heard the views of the landowners who were most affected by the proposals. We consider it is unfair in the circumstances for the Council to proceed on this basis.

It is worth taking into consideration, that Historic England advises in its own guidance note entitled '*Conservation Area Appraisal, Designation and Management*' that **owners should be consulted**. In particular paragraph 28 of the guidance states:

*"by consulting local communities and owners on new designations, and when appraising and reviewing conservation areas consideration can be given to relevant information that either might present, helping to ensure decisions are robust. Local communities and owners will also be helpful in providing proactive assistance in identifying the general areas that merit conservation area status and defining the boundaries."*

Whilst there is no legal requirement for local authorities to consult in respect of conservation areas in advance of their designation or extension, the Council's own website sets out its policy on such matters as follows:-

*'Public consultation is required where the local planning authority wishes to designate a new conservation area, de-designate an existing conservation area, alter the boundaries of an existing conservation area, or it seeks to introduce additional control in the conservation area by means of a special mechanism called an Article 4 Direction.'*

In light of the above, I consider that the only fair and transparent procedure is for the Council to undertake the consultation exercise again and give all other landowners within the proposed extension area a full six-week period of consultation.

The comments received should then be considered as a whole by the Committee and not on an *ad-hoc* basis. This will ensure that the recommendation made to Cabinet by the Local Plan Panel reflects the results of an appropriate consultation exercise and that the views of landowners form part of the consideration.

I am not aware of any reason why the Council has to proceed urgently with its conservation area review. Therefore, I request that the Council starts once again, with a fair and transparent procedure.

Yours sincerely

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