

**APPENDIX B: TABLE OF REPRESENTATIONS FROM PUBLIC CONSULTATION EXTENSION PERIOD FOR SIX SPECIFIC PARTIES,
AND THE COUNCIL'S RESPONSE AND RECOMMENDATIONS FOR ANYCHANGES TO THE REVIEW DOCUMENT
IN RELATION TO THEM – FOR BORDEN PARISH CONSERVATION AREAS**

Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
1	A Hinge & Sons Ltd	<p>- 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.</p> <p>-</p>	<p>Whilst a lot of conservation area boundaries are tightly drawn around groups of buildings or significant open areas, and hence the phrase 'tightly drawn' is commonly used, the current Historic England Guidance makes no such recommendation. It does however advise, inter-alia that <i>'Before finalising the boundary it is worth considering whether the immediate setting also requires the additional controls that result from designation, or whether the setting is itself sufficiently protected by national policy or the policies in the Local Plan'</i>.</p> <p>In this case, the setting is quite well protected by both national policy and policies in the Local Plan, but nevertheless, Yew Tree Cottage and spaces north and south of it (including the traditional orchard) contribute significantly to the</p>	<p>No change to review document needed.</p>

**APPENDIX B: BORDEN PARISH CONSERVATION AREAS –
REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)**

Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
1 (cont')		<p>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. Extending the conservation area to include Yew Tree Cottage adds an unnecessary duplication of planning control as the cottage itself is already a Grade II listed building.</p> <p>- The (conservation areas review) report identifies the need to protect views of landmarks views and vistas both within and outside the conservation area. However, this can be achieved without having an additional layer of bureaucracy imposed on the land.</p>	<p>overall character of the Borden (The Street) CA, and it is important to recognise this in the designation.</p> <p>This is not correct. In the glossary section of the NPPF, heritage assets are defined as '<i>A building, monument, site, place, area of landscape identified as having a degree of heritage 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)</i>'.</p> <p>It is through the designation/designation review process that important views are identified and without the benefit of proper character appraisal and a subsequently derived and supporting management plan/strategy, it is all too easy for such views to be accidentally, or in some cases, wilfully lost or harmed</p>	<p>No change to review document needed.</p> <p>No change to review document needed.</p>

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Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
2	Local resident (personal data not included to comply with GDPR requirements)	- (as per rep. no. 1 above – word-for-word)		No change to review document needed.
3	Local resident (personal data not included to comply with GDPR requirements)	- (as per rep. no. 1 above – word-for-word)		No change to review document needed.
4	The William Barrow's Charity	<p>- The charity owns agricultural land and Yew Tree Cottage to the west of Borden, which are now proposed to be included in the conservation area following a review of the conservation area boundary. The land is currently in agricultural use as pastureland and orchard.</p> <p>- Following legal and planning consultant's advice, the view is that there is no justification set out in the document for the inclusion of this land and property to be included as part of an enlarged conservation area. Conservation Areas can be created where an LPA identifies an area of special architectural or historic interest, which deserves careful management to protect that character of a village or area.</p>	<p>Officers were already aware of this, which is why the charity was consulted.</p> <p>Justification for inclusion within an extension to the CA boundary at this location is clearly set out in the CA review document. The charity is entitled to take this view, but officers consider the proposed extension to be based on sound professional judgement.</p>	<p>No change to review document needed.</p> <p>No change to review document needed.</p>

**APPENDIX B: BORDEN PARISH CONSERVATION AREAS –
REPRESENTATIONS, RESPONSE & RECOMMENDATIONS TABLE (Continued)**

Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
4 (cont')	The William Barrow's Charity	<p>- There is no reasoning, or any detailed justification set out for the inclusion of this land within the conservation area. The report does provide a detailed overview and historical development of the village in the character appraisal of existing buildings within the conservation area. However, the work undertaken justifying the proposed boundary extensions is not detailed and the inclusion of the land appears to be based on attempts to protect '<i>the setting</i>' of the conservation area although the site is some distance from the defined settlement boundary of Borden.</p> <p>The protection of the conservation area through short, medium, and long-range views is already afforded protection in itself through the statutory legislation. There is no basis to include these areas within the conservation area. In assessing any impacts arising from development on the setting of existing heritage assets (i.e., conservation areas and listed buildings) the setting of the heritage asset is taken into consideration by local planning authorities.</p>	<p>(see officer response on related point to this, on page 3). Appendix 2 of the document sets out a sufficiently detailed justification for the boundary extensions in question, and these are derived from the CA's identified Key Positive Characteristics (page 33), the Spatial Analysis section on Approaches to the Village (page 39), consideration of traditional orchard landscapes in relation to a wider focus on trees (page 46), consideration of important open spaces (pages 47 & 48), consideration of views (pages 56 – 59) and of setting (pages 60 – 61).</p> <p>The areas in question are not included within the proposed boundary extension just because of views, although this is a contributory factor. It is for a combination of the factors, as referenced in the comment above. Views are just one consideration.</p>	<p>No change to review document needed.</p> <p>No change to review document needed.</p>

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Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
4 (cont')	The William Barrow's Charity	<p>- There is no requirement in any guidance from statutory or non-statutory bodies to apply a broad-brush approach and significantly extend boundaries of existing conservation areas based purely on maintaining a setting of a heritage asset. Good Practice Advice in Planning (GPA) 'Note 2: Managing Significance in Decision Taking in the Historic Environment' (2015) provides information on good practice to aid decision makers in the implementation of policy set out in the NPPF and PPG.</p> <p>- GPA 'Note 3: <i>The Setting of Heritage Assets</i>' (2017) sets out advice on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites and areas. Attention is also drawn to paragraph 186 of the National Planning Policy Framework document which states '<i>When considering designating conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural and historical interest, and that the concept of conservation is not devalued through designation of areas that lack special interest</i>' [Note: bold text denotes representee's emphasis]</p>	<p>The referenced GPA2 document is not particularly relevant to the consideration of CA designation/review. Guidance set out in Historic England's Advice Note 1 (2nd. Ed.) on Conservation Area Appraisal, Designation and Management is more pertinent and this is already referenced in relation to boundary changes (see Rep. 1, page 1).</p> <p>This is correct. GPA3 advises, inter-alia that '<i>A conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated...</i>'. Officers are fully aware of the content of the NPPF and would not consider recommending the inclusion of this or any other proposed CA boundary extension if they considered it would devalue the existing designation.</p>	<p>No change to review document needed.</p> <p>No change to review document needed.</p>

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Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
4 (cont')	The William Barrow's Charity	<p>- Conservation Area designations and periodic reviews do not require 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.</p> <p>- 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. Indeed, extending the conservation area over this land and Yew Tree Cottage adds an unnecessary duplication of planning control as the cottage itself is already a Grade II listed building.</p> <p>- On map 6 titled '<i>Historical Development</i>' contained in the document, the land is colour washed indicating that the land forms part of the historical settlement development of Borden in 17th and 18th Century. This is factually incorrect. The land has never formed part of the built-up fabric of the village. The historic mapping sequence on page 32 (map 7) clearly illustrates this error with plans dating back to 1797 showing it was agricultural land.</p> <p>Furthermore, the site has no archaeological significance as identified in map 8 (page 35) of the document.</p>	<p>(see officer response to this repeated comment, in relation to Rep 1, page 1)</p> <p>(see officer response to this repeated comment, in relation to Rep 1, page 1)</p> <p>This comment appears to arise from a misunderstanding of the purpose of the map. It is designed to capture not just buildings, but the use of spaces associated with particular buildings, and on this basis, is not incorrect.</p> <p>This is another misunderstanding. Map 8 suggests no such thing, and nor does the text supporting it.</p>	<p>No change to review document needed.</p> <p>No change to review document needed.</p> <p>No change to review document needed.</p> <p>No change to review document needed.</p>

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Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
4 (cont')	The William Barrow's Charity	<p>- The document states: <i>'It (the conservation area) has a rural countryside to the north, east and west with features of historic and architectural interest which relates to the significance of the Conservation Area.</i></p> <p>The land in question has no such historic or architectural interest or characteristics. There is reference in the document that the land owned by the Charity is a traditional orchard. This is partially correct as many of the trees have been lost due to their age and health and are now considered liability on the grounds of health and safety. The southern approach to the village along Pond Farm Road is extensively farmed as arable land.</p> <p>- Although agricultural permitted developments still apply within the conservation area, I am concerned that there will in time be a further erosion of such rights should the conservation area extension proceed to adoption status. Within conservation areas, local planning authorities are able to apply Article 4 Directions removing permitted developments.</p>	<p>Yew Tree cottage is of architectural interest and is listed at grade II for this reason. The areas of land to the southwest and northeast of it represent a combination of surviving historic landscapes and undeveloped spaces on the fringes of the village and its associated CA, which contribute in the round to its overall special interest. CA designation is focussed on the special interest and associated enjoyment provide by the combination of buildings and associated spaces. It is not necessary for all the individual buildings and/or spaces to be highly heritage significant in their own right.</p> <p>These stated concerns are without any real basis. Article 4 Directions are recommended for a number of buildings but not for any agricultural land. Article 4 Directions can in any event be applied without the need for CA designation.</p>	<p>No change to review document needed.</p> <p>No change to review document needed.</p>

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Rep. No.	Representation By	Summary of Representation	Officer Response	Recommendation
4 (cont')	The William Barrow's Charity	<p>Designating agricultural land as part of a conservation area is an extreme measure in the circumstances. Conservation area status provides local planning authorities the ability to add further restrictive measures and controls which will impede the ability the owners to farm this land on a commercial basis. The report remains silent on this matter, but it is of grave concern as there will already be Article 4 directions on household properties in the village.</p> <p>The report identifies the need to protect views of landmarks views and vistas both within and outside the conservation area. This can be achieved without having an additional layer of bureaucracy imposed on the land.</p>	<p>The basis for the planned boundary extension is already explained. Whilst Article 4 Directions are proposed for a number of buildings, there should be no need, and indeed there is no intention to apply such controls to the land in question. This might change though, and rightly so, were there any attempts to change the use of the land to something which would harm the character and appearance of the CA and/or its setting.</p> <p>(see officer response to this repeated comment, in relation to Rep 1, page 2)</p>	No change to review document needed
5	Consilium Town Planning Services Ltd, on behalf of A. Hinge & Sons Ltd.	<p>- (as per rep. no. 4 above – almost word-for-word)</p> <p>- Additional commentary provided in relation to Article 4 Directions: <i>'Within conservation areas, local planning authorities are able to apply temporary and permanent Article 4(1) and (2) Directions removing permitted developments. The former can be applied immediately by a local planning authority with no formal consultation'</i>.</p>	(see officer response to this comment, in relation to Rep 4, above). Directions with immediate effect require consultation before confirmation and also notification to the SoS, whom may cancel any such Direction if it is not justifiable.	No change to review document needed