

Chitty Chitty Bang Bang defeats enabling development

Dr Wendy Le-Las, NALC's planning consultant, uses the recent case of Higham Park to explain why parish and town councils should take preventative action before they hit procedural planning problems

Higham Park is an 18th century mansion with a colourful history. 'Higham', as it was traditionally known, was bought in 1910 by Count Zbrowski. Post WWI: he bought aero-engines from army surplus stores to convert into racing cars. The cars were probably built in the stables and housed in the Coach House in the walled kitchen garden. It is said that an engine is buried in an adjacent chalk pit.

007 connection

The 12-year old Ian Fleming saw Zbrowski's race at Brooklands and his cars provided the inspiration for him to write 'Chitty Chitty Bang Bang'. Zbrowski killed himself racing at Monza in 1924.

Fleming, who rented a house in nearby Bekesbourne, frequently visited Higham's next owner, the governor of the Bank of England, arriving from London on the 007 bus, which still runs to Dover.

Fleming died in 1964.

Higham's association with popular culture does not end there. In the 1970s, Blue Peter raised money to build a house for the disabled, sited in the walled garden near the Coach House.

However, Higham fell on hard times. The estate was sold off separately, which now means that there is insufficient income for its upkeep – the refrigerated fruit packing sheds across from the kitchen garden are an independent operation.

Development Plans

In 1995, Higham was rescued by two women, who started its restoration and opened it up to visitors. In 2006, it was sold to another colourful character who decided it was "ripe for development".

Local people acknowledged the need for some rebuilding, but without damaging the character of the Coach House. This included: felling mature trees; demolishing the Blue Peter Bungalow and other sound properties; removing parts of the kitchen garden wall; erecting grandiose neo-classical villas on the ex-kitchen garden; and silencing the packing sheds, which provide local employment, by means of noise-abatement orders.

The pretentious lodges and ornate gates by the Bridge entrance would “lock-in” the inhabitants of nearby agricultural workers cottages. Higham would go from having been a local amenity to a gated community, totally out of keeping with impoverished East Kent.

Objections

Although Higham is in Bekesbourne parish, Bridge would have suffered from the development’s traffic. The parish councils of Bridge, and Bekesbourne with Patricbourne both objected. The latter proved vital because unless the parish, in which the proposal is actually located, comments at the development control stage it does not have the right to appear at any appeal. Fortunately, the parishes had joined forces. Even so they were not ‘statutory parties’ and so had no right to be sent the documents: as the law stands ‘the grown-ups’ are restricted to the owner or tenant of the land or adjoining neighbours. By now it was too late to apply for Rule 6 status. Fortunately, Canterbury Council was co-operative in supplying key documents so the parishes could prepare their case, and both parties united in strong opposition at the inquiry. NALC will lobby to get the rules changed.

Enabling development

Higham is a Grade II listed building (only 6% of listed buildings are Grade II or Grade I). It is in a conservation area and lies in the North Downs Area of Natural Beauty.

A very crucial fact was that a previous inspector had refused a smaller proposal ten years earlier on the grounds that this would detract from the setting of the mansion. As it is difficult for inspectors to disagree with each other, if the policies have not changed, readers should file past decision letters – they could be useful.

The excuse for the development was ‘enabling development’. This is often seen by councils as a Trojan Horse, so it is important to understand the beast.

The authority on the subject is English Heritage’s Policy Statement Practical Guide to Assessment Enabling Development and the Conservation of Heritage Assets (2001).

To qualify, enabling development has to fulfil a number of criteria. It excludes works that would be permitted under established planning policy; “would detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting” and are more than is essential to secure the future of the heritage asset.

On the financial side, the inspector said there was no evidence to show that other means had been explored to raise the money – no sound

financial case has been made. So it is not easy to make the case for enabling development.

Competition

Overall, the inspector concluded that the proposed development of substantial houses would compete with the listed building and be a blot on a protected landscape.

Higham has again changed hands. Amid the uncertainty about its future, the councils can rely on a strong decision in their favour by the secretary of state.

Need a planning advice?

For help with planning matters, please contact

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