



**CROWN/2025/0000002**

**Sevington Inland Border Facility, Mersham, Ashford TN25 6GE**

**September 2025**

**Representations on behalf of  
Canterbury Diocesan Board of Finance Ltd**

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## Introduction

- 1 The development of the SIBF site has already caused substantial harm to the setting of the Grade I Listed Building, St Mary's Church, Sevington. This impact was meant to be mitigated in three ways as part of the development consent:
  - Protected views through the commercial site.
  - A 30-bay church car park.
  - A circa £200,000 contribution to 'church works' before development commences.
- 2 The first two were implemented but the third has not so far been forthcoming. There is an urgent need for church works funding and the Crown Development should not be approved in the absence of a legal obligation to make the overdue payment to enable works to proceed.



Satellite view of St Mary's and the SIBF May 2023 © Google

## Background

- 3 The 120-acre site was a Local Plan allocation for a logistics hub. The owners secured planning permission(14/00906/AS) in September 2017 for 1.7 million square feet of warehousing.
- 4 In a letter dated 23.10.2014(Appendix) English Heritage raised strong objections because of harm to the setting and sustainability of St Marys. The EH response was expressed in strong terms and included the following key paragraphs.

Sevington is significant as a small historic settlement that survives unusually intact and still with a strong sense of the agricultural setting that relates functionally to it and which provides an attractive buffer to nearby urban development. The spire of its church, a grade-I listed building of outstanding heritage significance, retains its intended commanding presence over the surrounding houses and this countryside despite the intrusion of nearby roads. These positive elements of the church's setting make a key contribution to its significance, as well as to many of Sevington's grade-II listed houses and farm buildings.

Particularly badly affected is the setting of the grade-I listed church of St Mary. The scheme could also compromise the future viability of that church, and possibly also of the adjacent farm. This application should therefore be refused unless it can be demonstrated that the substantial harm to significance is necessary to achieve substantial public benefits that outweigh that harm.

English Heritage recommends that you should treat the current application as constituting substantial harm to the heritage significance of the group of designated heritage assets at Sevington, and particularly the grade-I listed St Mary's Church. Planning permission should therefore be refused unless it can be demonstrated that these are wholly exceptional circumstances and that the substantial harm is 'necessary to achieve substantial public benefits that outweigh that harm or loss'. These are very high tests and this substantial harm to significance should therefore not be accepted lightly.

- 5 It is not credible to suggest that the SIBF has had any less impact on the setting of St Mary's than the original commercial development proposal. A key element of the significance of the Grade 1 Listed Building was its '*strong sense of agricultural setting*'(above) and its '*commanding presence*' over the countryside. The SIBF has all but destroyed this setting and any suggestion that the harm has been 'less than substantial' is surprising and cannot be relied upon. This may stem from the assessment methodology<sup>1</sup> applied by the applicants which was designed for judging the impact of roads and bridges not a nationally significant infrastructure development covering a site of 120 acres.
- 6 The package of mitigation measure summarised above were incorporated as formal requirements through the conditions attached to the original planning permission for the commercial development and the integral S106 Agreement. The owners sold the site to Department for Transport in July 2020 with the above obligations novated to DfT.
- 7 The Sevington Inland Border Facility(SIBF) was approved by Central Government under a Special Development Order(SDO). A subsequent Lawful Development Certificate 19/01099/AS confirmed that works had commenced lawfully on 31.7.19.
- 8 DfT accepted that the IBF caused substantial harm to the setting of St Mary's and that the church works contribution should have been paid before development commenced. Unfortunately, this did not happen. DfT took the position that a new S106 Agreement was required and that payment could not be made until a new

<sup>1</sup> Environmental Statement Volume 1, Chapter 10 'Cultural Heritage', para 10.17.

Agreement had been made. Although the agreement was ready by the end of 2022, for various reasons DfT declined to sign the Agreement and argued it could not make the payment as a result.

- 9 So, the substantial harm to the setting of St Mary's anticipated by the parties has occurred and its physical condition has deteriorated considerably. Notably the spire is in poor conditions because of the loss of oak shingles and the ingress of rain and pigeons. The volume of droppings from the latter is causing significant damage.

### Unilateral Undertaking

- 10 DfT now propose a Unilateral Undertaking incorporating the following provisions relevant to St Mary's:

<b>Church Works</b>	means upgrade and repair works to St. Mary's Church, Sevington in order to help enable the church to meet the long term needs of the local community
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<b>Church Works Contribution (Remainder)</b>	means the remaining balance of the corresponding sum secured under the Original S106 Agreement Two Hundred and Three Thousand Five Hundred and Seventy-Eight Pounds and Ninety-Three Pence (£203,578.93) for the funding of the Church Works (which for the avoidance of doubt shall be added to the £40,000.00 part payment already received by the Council pursuant to the Original S106 Agreement)
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<b>Additional Church Works Contribution (Remainder)</b>	means the remaining balance of the corresponding sum secured under the Original S106 Agreement and the payment of the Church Works Contribution Remainder being Twenty Three Thousand Nine Hundred and Sixty One Pounds and Two pence (£23,961.02) for the funding of the Church Works
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### Church Works Contribution (Remainder) and the Additional Church Works Contribution (Remainder)

The Owner covenants to pay to the Council the Church Works Contribution (Remainder) prior to completion of this Unilateral Planning Obligation and the Additional Church Works Contribution (Remainder) within 14 days of the date of the grant of the Planning Permission

- 11 The 'Condition Precedent' clause on p.4 of the Draft Unilateral Undertaking means that, in effect, the contributions would not be made until 8 weeks after the date of the planning permission decision notice.

## **Legal and Policy Compliance**

12 Completion of the mitigation measures incorporated into the Draft Unilateral Undertaking are essential to ensure legal and policy compliance, including the following provisions.

- Town and Country Planning Act 1990 S70(2).
- Planning and Compulsory Purchase Act 2004 S38(6).
- Planning(Listed Buildings and Conservation Areas) Act 1990 relevant provisions.
- National Planning Practice Guidance historic environment provisions.
- Section 16 of the National Planning Policy Framework and paragraphs 207, 208, 209, 210, 212, 213 and 214.
- Ashford Local Plan 2030 policies SP1 and ENV13.

## **Response of Canterbury Diocese**

- 13 The Crown Development Application is effectively seeking retrospective consent on a permanent basis for a development which has already caused substantial harm to an important heritage asset. It is therefore extremely important that permission is only granted with a legally binding agreement in place that makes the payment of the church works contribution mandatory within a very short space of time after the decision notice is issued.
- 14 The remedy of a Unilateral Undertaking as now proposed by DfT is essential if the harm that has already taken place is to be reduced and future serious deterioration of the important heritage asset, St Mary's Church, is to be prevented..

## **Conclusions**

- 15 The Inspector is respectfully invited to conclude that the Crown Development Order should not be approved unless there is an effective formal mechanism to ensure that the church works contribution is made in a timely manner, taking into account the harm already caused to the heritage asset and the inevitable decline of the Grade Listed Building if there are any further delays in the funds coming forward.

## **Appendix**

Letter dated 23.10.2014 from English Heritage regarding the impact of development on St Marys Sevington.

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