

PUBLIC INQUIRY 28.01 – 05.02.21

3259450 Appeal A – Former Wye College

NOTES FOR THE CLOSING SUBMISSION FOR WYECRAG

Dr James McAdam, 11.02.21

Introduction

1. WyeCrag was formed in 2018 by a group of village residents, Wye College alumni and conservation specialists. The group has sixteen permanent members and over 6300 supporters, many of whom are local residents and college alumni. The group was set-up in response to the resolution to grant planning permission for conversion of the Former Wye College into a private residential development, by the Planning Committee of Ashford Borough Council in June 2018. Further information about WyeCrag www.wyecrag.org.uk
2. WyeCrag's purpose is to conserve and enhance the medieval and Jacobean Grade I listed College buildings, located at the heart of the village – retaining a significant national heritage asset for the benefit of the local community and the wider public.
3. Wye College has been at the centre of village life for over 570 years, and the essence of its relationship with the village would be lost should it be converted to private housing – closing access to residents and changing the unique ambience of Wye the university village forever.
4. WyeCrag's case focuses on the dismissal of Appeal A – the Former Wye College Buildings. It is based on genuine concerns for heritage and the importance of the Grade I listed buildings to the village, local community and the wider public. While WyeCrag understands that there may be limited alternatives for the future of most of the Grade II listed buildings, they do not at all accept that it is necessary or appropriate to convert the Grade I listed buildings into private housing.
5. During the Inquiry, WyeCrag have attempted to show that:
 - a. The significance of the historic buildings was not set-out by the appellant from the outset, in accordance with the NPPF and ENV. 13
 - b. The Wye Neighbourhood Development Plan (adopted 2016) was not properly considered when planning the housing scheme
 - c. The planning process was dealt with in a cursory manner, bypassing the involvement of the local community
 - d. The proposed conversion of the Grade I listed buildings to multiple dwelling units is neither appropriate nor practical

- e. The Appellant's proposal to simply convert the Grade I listed buildings to housing does not comply with the requirements of para 196 of the NPPF. It will cause harm to the historic buildings, but does not comprise an optimum viable use of them.
6. In order to demonstrate that the appeal scheme is not an optimum viable use, part of WyeCrag's evidence was in the form of one possible alternative scheme, proposing that the Grade I listed buildings could be used as a Cultural & Community Centre, thus providing a more policy compliant, multi-functional and financially sustainable scheme, in accordance with the Wye Neighbourhood Development Plan.
7. WyeCrag did not seek to promote the planning merits of the alternative scheme but sought to set out an example of a different, more policy compliant scheme, which involves less harm to the listed buildings and therefore does comprise an optimum viable use in accordance with para 196 of the NPPF. The WyeCrag scheme was there to demonstrate the fact that the Appellant's scheme does not comply with para 196.
8. For this purpose three witnesses were called to give evidence:
 - Mr Charles Bain-Smith RIBA SCA, Senior Building Conservation Manager, National Trust. He gave evidence on matters concerning heritage and the significance of the historic buildings.
 - Mr Jonathan Timms MA (Oxon), Financial Adviser and Company secretary to the Cadwgan Building Preservation Trust and the Cardigan Castle Building Preservation Trust. He gave evidence on matters concerning the viability of the WyeCrag scheme.
 - Mr Tony Shoults MA (Cantab), Diploma Town Planning, Chair of Wye Building Preservation Trust CIO. Chair of Wye Parish Council 2011 – 2016. He gave evidence on matters concerning the role of the College in the village and lack of community involvement during the planning process.

The significance of the historic buildings

9. Mr Bain-Smith (for WyeCrag) assessed the significance of the Grade I listed buildings, dealing with evidential, historic, aesthetic and communal significance as set out in Historic England's Conservation principles 2008. The origins of the College, the Medieval fabric, Elizabethan and Jacobean periods, Georgian and later alterations, and their current condition. He concluded that the Grade I listed buildings are of exceptional national and potentially international interest, due to their age, rarity and the extensive remains of a medieval Chancery college. They are associated with highly important historic persons. The staircase is one of the most significant renaissance carved and painted staircases in the country. The listed buildings are not only central to the beauty and the community of Wye, but also hold an international communal interest by their association with graduates and researchers of the former Wye College.

10. Mr Bain-Smith visited the Grade I listed buildings on 23 October 2020 and reported on the existing condition. “From limited inspection of the listed buildings, there were clear signs of decay associated with infrequently ventilated, unheated and unoccupied buildings. Internal surfaces are damp and in places covered in mould. There are also some signs of water ingress, notably in the Great Hall. I understood from Damion Malony (TT) that essential maintenance was being carried out and urgent repairs undertaken. This is consistent with what I could see on my visit of 23rd October. In my experience buildings can only be mothballed in this way a limited period before major decay sets in, but the Grade I listed buildings are not yet at this point.” He went on to say that, in any case, the owner has an obligation to maintain the Grade I listed buildings, and should not use their condition as an excuse for implementing conversion works.

11. Mr Burton (for the Appellant) assessed of the significance of the Grade I listed buildings in terms of evidential and historic value. He also confirmed that, the Grade I listed buildings: comprise an outstanding collection of Medieval College buildings; are a rare and impressive survival from the original College of 1447 and have a remarkable amount of surviving original fabric; contain an outstanding dog-leg Jacobean staircase with fine panelling; have great significance to the Village of Wye and have shown little outward change for more than five and a half centuries. He confirmed that the Canterbury Archaeological Trust (CAT) report demonstrates the outstanding heritage value of the buildings, and that when this history is set alongside the upstanding and buried evidence on site, it combines into an asset of very high heritage significance. CAT’s report noted that in best practice, a Heritage Impact Assessment (HIA) should be undertaken. Mr Burton admitted that a formal HIA not been undertaken but he said that the document with photographs showing fabric to be removed was sufficient. However, he agreed that without doubt the Grade I listed buildings are highly significant in historic and architectural terms, and that they are also highly significant to the village of Wye.

Harm caused by the Appellant’s scheme to the significance of the historic buildings

12. Mr Bain-Smith (for WyeCrag) went on to explain that, subdivision of the Grade I college quadrangle buildings would be wholly inappropriate for such a rare and significant building. It is quite clear that the conjoined parts of the medieval college comprising the quadrangle should remain in a single occupation. The Appellant’s scheme proposes multiple subdivision of an exceptionally significant building of national importance which would alter the primary fabric of some of its most important elements. It would privatise and remove it from its place in the community. It would therefore cause irrevocable harm to key aspects of the listed buildings. That harm is not substantial, in that the assets would survive in a less appreciable way but the harm would be at the upper spectrum of less than substantial.

13. Mr Bain-Smith (for WyeCRAG) also assessed the relative harm caused to the significance of the Listed Buildings by the WyeCRAG scheme in the context of paragraph 196 of the NPPF. The WyeCRAG scheme proposes keeping the listed buildings in single ownership as a cultural & community centre with modest hotel accommodation on the first floor, allowing the main spaces to be accessible and usable by the community of Wye, The Wheel Room would form the restaurant facility and the Old Lecture Theatre would be available, connected to a museum room for public use. In this way, the proposal is not very different from its use as accommodation and communal rooms for Wye College. For the avoidance of doubt, the purpose of presenting the WyeCRAG scheme was to provide evidence that other uses of the Listed Buildings are possible, which do not include the predominantly private residential use, proposed by the Appellant, and that those uses are viable as a business.
14. The WyeCRAG scheme causes less harm to the significance of the Listed Buildings – it does not divide the building ownership along historic lines of fabric and therefore would not require any upgrade to the historically sensitive significant fabric. The scheme would also afford access to the entirety of the listed buildings so that they could be appreciated as a whole. The main ceremonial rooms would also be available to the general public. The use WyeCRAG proposes is a communal one and therefore fits the communal nature of the buildings. Furthermore, the WyeCRAG scheme is more compliant with Policy WNP11, and in particular paragraph (e) of the policy, which supports a mix of community, residential and business uses.
15. Mr Burton (for the Appellant) agreed that the Grade I listed buildings existed as part of an educational / residential institution (use class C2) which is itself a quasi-public use given the range of occupants, the purpose of occupation and the annual introduction of a new cohort of students. He agreed that the private homes (use class C3) proposed by the Appellant is therefore a material change of use. He also agreed that this is a major departure from the historic use and significance of the buildings, and that this represents a significant curtailment of communal value.
16. Mr Burton went on to confirm that he was unaware of any other proposals, other than the scheme for private residential use, having being considered by the Appellant. He also confirmed that, if the buildings were converted to private residential use, there is negligible chance that the college would come back into a single use with greater communal value. Mr Burton went as far as to admit that he was no expert on Communal Value.
17. The subject of communal value and the wider interest in Wye College and its Grade I listed buildings was also highlighted by a number of interested parties at the public session. Prof Chris Baines stated that Wye College has an influence way beyond the boundaries of the village, and that he had recently been contacted from around the World, by over 1000 college alumni, all concerned with the fate of the Grade I listed

buildings. He also revealed that Wye College featured on the BBC Radio 4 - On Your Farm, on Sunday 31 January. (<https://www.bbc.co.uk/programmes/m000rv53>). This gives a clear sense of the scale of Wye's communal values and the importance of Wye and its ancient college.

Harm caused by the Appellant's scheme to the historic building fabric

18. Mr Bain-Smith (for WyeCRAG) assessed the potential harm caused by the Appeal proposals to the Grade I listed buildings. He explained that because of the rare medieval fabric and high significance of its later embellishment, any subdivision of the buildings is highly problematic. Subdivision involves sound and fireproofing between the different planning units. It also involved an intensification of services and drainage because each unit requires its own separate set of services. The walls are medieval with 15th century timber frames and plaster and daub infill panels. Daub and timber expand and contract differentially and there will always be voids between the two materials. Either side of these 15th century untouched structures is highly significant decorative panelling. Forming a fire and acoustic barrier in these places would be destructive and highly damaging to the significance of the buildings in terms of its archaeological interest. No details of how this can be mitigated have been presented. For such an important site as this, such proposals should form part of the principle of the case and not left to conditions that might not be possible to fulfil.
19. Mr Burton (for the Appellant) acknowledged the points highlighted, in particular the detailing of the panelled walls between unit 32 and the Old Hall, and around the Jacobean staircase. However, when asked if there was proof that this can be achieved without detriment to historic fabric, he stated that such detailing can be worked out during design development when the works commenced.
20. Mr Bain-Smith admitted that some upgrade and detailing would be required in the WyeCRAG scheme for a cultural and community centre with hotel accommodation, but that due to the similarities with the existing use, the scheme would have far less impact in this respect. It would amount to minor things such as fitting door closers to the rooms and possibly lining the corridor in the south wing.

Viability of the WyeCRAG scheme

21. Mr Timms (for WyeCRAG) assessed the viability of the WyeCRAG alternative proposals in the context of Paragraph 196 of the NPPF. He noted that the Appraisal Summary dated 16/05/2017 submitted on behalf of the Applicant showed a residual value for the whole Appeal A site of negative £670,602. He cited that no breakdown was shown, but it is likely that the brick-built Grade II buildings have a significant positive value, while the costs of restoring and converting the historic fabric of the Grade I buildings give these buildings a negative residual value running into the

millions of pounds. The Alternative proposal may therefore turn this negative into a positive. Mr Timms also proposed that the £71k annual cash surplus could provide for the cleaning, heating and long term maintenance of the Grade I listed buildings, rather than these being left to the discretion of a management company financed by service charges from possibly reluctant residents.

22. Mr Timms also noted that the policy requirements in respect of the college buildings in Policy WNP11 of the Neighbourhood Plan are expressed as being “subject to viability”. Viability should be assessed across the Wye3 Site as a whole. The WyeCrag proposals are fully in accordance with the policy and are viable, therefore it follows that there is a viable scheme which satisfies the requirements of the policy. The Appellant’s proposals do not fully comply with the policy. Mr Timms also pointed to that an extract from WNP11(e) "Achieve the positive re-use of the Grade I and Grade II listed, and other Edwardian buildings by a mix of, community, residential and business uses". A mix of uses for these buildings is something the appellant could have and should have considered.
23. Mr Timms gave evidence, in the form of simple zoning diagrams describing the anticipated utilisation of the Cultural and Community Centre - demand, ranges of facilities, estimated income and expenditures. This was supported by a comprehensive business plan, demonstrating that the WyeCrag proposals are viable on their own irrespective of whether any other development comes forward on the remaining parts of the Masterplan site. However, even if, contrary to this evidence, it was found that the WyeCrag proposals were not on their own viable, development values achieved on other parts of the Masterplan site could be used to support the viability of the WyeCrag proposals for the former college, given that such proposals would result in a lesser degree of harm to the significance of the listed buildings than the Appellant’s scheme. The Appellant has not presented any evidence that the scheme promoted in its Masterplan as a whole would not be able to support a more policy compliant use of the Grade I listed buildings, such as the WyeCrag proposals.
24. Mr Timms concluded by affirming that the business plan would be appropriate for any owner of the property with long term ownership plans, but particularly appropriate for a charity as suggested in the BP. In addition, restoration and development costs would be minimised given the insignificant interventions required to the listed buildings. Based on the BP and the historic significance of the properties, it would seem appropriate for potential funders to support a restoration project of this significance demonstrating this viability.
25. Mr Shoultz (for WyeCrag) gave evidence on matters concerning the role of the College in the village and lack of community involvement during the planning process. This covered the local community’s efforts to achieve more community

provision, compliance with the Neighbourhood Plan WYE3, public consultation for the Masterplan, and the involvement of the community in the planning process.

Lack of consideration to the Neighbourhood Development Plan

26. Mr Shoults referred to the Neighbourhood Plan (adopted 2016) and its proposals for a Campus Community project for community use of parts of the historic buildings. The ambition is given effect by Policy WNP11 of the NDP which requires the wider, former Imperial College campus to be used... *“for a mix of uses, including education, business, community infrastructure and housing”*.

With specific reference to historic college core, sub paragraph e) requires a proposed development to:

- “Achieve the positive reuse of the Grade 1 and 2 listed and other unused Edwardian Buildings....by a mix of community, residential and business uses.”
- Such development would require provision of a new pedestrian and vehicular access route into the site
- Small scale B1 use , live work units and some residential change of use would also be supported here to encourage the development of a thriving community hub in these historic buildings in the heart of the village”

It is also noted that:

- Piecemeal applications should not come forward if they will prejudice an integrated solution.

Mr Shoults went on to describe how far this scenario was progressed at the time, and how it was supported by Ashford Borough Council and English Heritage, and involved discussions for financing, to include Heritage Lottery Funding, income generation and developer contributions to the community infrastructure.

27. Mr Shoults went on to describe the process of Neighbourhood Planning and the level of community involvement, including a public hearing by an inspector and a referendum. Wye Parish Council engaged in this process thoroughly, organising regular public meetings, a questionnaire, and exhibitions with documented feedback. The questionnaire was completed by 79% of households, and the Neighbourhood Plan was approved by 94% of voters in a referendum. He went on to describe the community’s determination to Save Wye College for the community and gave a rundown of related actions and events which have taken place over the past 20 years.

Lack of community involvement in the planning process

28. Mr Shoults then reported on how the planning process developed after the acquisition of the Wye College sites WYE3 by the Appellant. He described how the principle of Collaborative Planning for All was initiated by the Parish Council, where

the three parties – Telereal Trillium, Ashford Borough Council and the Parish Council would develop a Masterplan on a collaborative basis. He went on to describe how related meetings were abandoned, with the agreement of ABC, in favour of the Appellant preparing a Masterplan without input from the other parties. This action completely ignored the Neighbourhood Development Plan proposals for WYE3 and, in particular the College proposals.

29. Mr Shoults went on to describe how subsequent workshops held by ABC were designed to promote discussion about the Appellant’s proposals for separate sites within WYE3. Those attending the workshop were asked to submit their ideas and comments on the proposals on the understanding that further interactive meetings would demonstrate how proposals had been refined to take careful account of the views of the community. In practice there was no feedback and no changes to the Appellant’s original proposals. The thoughts and aspirations of the community for WYE3 on an area wide basis were ignored and sidestepped in favour of piecemeal development.
30. Mr Shoults asserted that - at no stage did the Appellant consider any alternatives to its proposal for the College’s conversion into flats and houses. This conversion did not reflect the proposals of the Neighbourhood Development Plan and did not follow the policies set out in the NPPF (paragraphs 192, 193,195 and 196), or the support noted by Historic England and Ashford Borough Council, outlining the need for community involvement and benefit.

Public consultation on the Masterplan

31. Mr Fidgett (for the Appellant) confirmed that Policy WNP6 of the Wye Neighbourhood Plan (CD/3) requires the development for the WYE3 site (including the Appeal A site) to come forward in accordance with an agreed Masterplan and stated that: “The Masterplan reflects the results of the extensive and detailed policy, design and public consultation process”. He also confirmed that Appeal A – Former College Buildings is in accordance with this Masterplan, and that it is the masterplan that was required to be developed by Policy WYE3 of the Tenterden and Rural Sites Development Plan Document, second paragraph (CD/8 page 52). Paragraph 6.102 (CD/8, page 51) of the introductory text to this policy requires masterplanning of the WYE3 site to be carried out “inclusively with the full input of the local community”
32. Concerning that public consultation exercise - in the September 2018 Cabinet Report (CD/10 paragraph 17 page 7) there is a description of each events as follows:
 - i. January 2017: Workshop 1 – to explore context, constraints, the placemaking options and potential, key strategic design aspirations for WYE3 Masterplan and start to explore actual development opportunities.
 - ii. May 2017: Workshop 2 – to test and explore the various emerging Masterplan opportunities and options in more detail.

- iii. May 2017: Public Exhibition 1 to comment on and influence the emerging options to inform the WYE3 Masterplan
 - iv. September 2017: Exhibition 2 to comment on and shape the final content and Masterplan options.
 - v. November 2017: Draft WYE3 Masterplan for consideration by WYE3 Steering Group
 - vi. January 2018: Informal Presentation of Masterplan to elected members, Ashford Borough Council. Wye Parish Council were invited to attend
 - vii. April 2018: Draft Masterplan published for six weeks consultation period.
33. Mr Fidgett agreed that the January 2017 workshop was to “start to explore actual development opportunities”, that the May 2017 Public Exhibition was intended to allow the public “to comment on and influence the emerging options”, that the September 2017 exhibition was to allow the public to comment on and shape the final content and Masterplan options, and that the consultation exercise did not finish until after the six week long exhibition period which started in April 2018.
34. Mr Fidgett further agreed that for such consultation to be effective it must take place when proposals are at the formative stage and that Appeal A had to be submitted in accordance with the approved Masterplan, and that that masterplan had to be developed “inclusively with the full input of the local community” However, the actual planning application for Appeal A (the historic college site) was submitted on 17 April 2017, at which stage the public consultation exercise had not progressed beyond exploring initial placemaking opportunities, and the consultation process carried on until April/May 2018, a year after the Appellant had submitted the application. Mr. Fidgett recognised that, apart from the removal of flat 17, making the parlour and inner parlour communal space (for use of residents not the wider community) no significant, meaningful changes had been made to the original planning application. Therefore the public consultation exercise did not (and could not) affect the form of Appeal A. The Appellant had already made up their minds!
35. This would seem to confirm the assertions of Mr Shoults and a number of interested parties from the public session. Prof Mansfield clearly expressed frustration that there had been a lack of genuine consultation with the community for the planning application and also that the Neighbourhood Development Plan was completely overlooked. “There was no attempt to follow, or take account of, the required iterative process. Like other individuals who attended the public exhibition of draft proposals, I registered to be notified by email about further developments. I subsequently received an email link to the first proposals and then notification about the planning application for the Wolfson Lecture Theatre site - since then, no further details, nothing has been received.”

Lack of community provision and public access to the historic buildings

36. Mr Shoults highlighted the lack of community provision in the village since the loss of the College. He described the extent to which the College and community were integrated before its closure, which spaces were used and what type of events took place. There was: regular use of the Parlour, Great Hall, Cloistered Quad, Wheel room and Chapel for concerts, weddings, other events and celebrations, including anniversaries, lectures and dinners; the large Dining Hall was used by societies and at meal times was open to the public as a restaurant; until the closure of the College site in 2018 the Latin School continued to be used for meetings of local societies and educational organisations, on a regular basis. Mr Shoults' recollections were echoed by a number of interested parties at the public session, who confirmed that use of and access into the College buildings was an integral part of village life. Mrs Graham, who until relatively recently, managed room bookings and events for the previous owner (Imperial College) confirmed, with first hand knowledge, the high level of daily interaction achieved with the local community.
37. Mr. Shoults presented a Study of the Extent of Public and Community Access (CD/28c(1) Appendix F) and described his understanding of access arrangements to the historic spaces in the Appellant's scheme. He confirmed his understanding that access provided would be restricted by arrangement to the quadrangle, Old Hall, Chapel and Jacobean staircase: twice per calendar month by appointment for up to 4 hours; use of Chapel for 2 services per week; an annual heritage open day. He confirmed that this arrangement for limited access and use was far less than that for the College buildings in their existing educational use. This point was echoed by a number of interested parties at the public session, who confirmed that access into the College buildings was practically unrestricted. A letter submitted by Mr. Hayes, who dealt with the College maintenance until 2016, stated that the College gates were always open to village residents.
38. Mr Shoults pointed out that the Appellant's proposal does show a small community facility – a heritage room on the High Street. Considering the requirements for community space and the extent of previous community use of the College buildings he described this as a completely inadequate and consolatory provision. He also expressed concern that the community had not been consulted on this element as it had been negotiated privately, and in isolation, by only one of Wye's 50+ societies.
39. Mr Shoults commented on the alternative scheme by WyeCrag, saying that what the scheme proposed was the same as that envisaged by the Neighbourhood Development Plan, proposing a community centre with a mix of functions accessible to and usable by the public. He was convinced that such a scheme was more compliant in terms of paragraph 196 of the NPPF.
40. Mr Shoults mentioned that recent attempts had been made to communicate with the Appellant and the Pears Foundation, to discuss the fate of the Grade I listed buildings, and their possible community use. He reported that the Appellant had

been contacted on two occasions in September 2019 and February 2020 when full information about WyeCrag's activities and the alternative scheme were conveyed. He also reported that the Wye Building Preservation Trust had written twice to the Pears Foundation to request communications on the subject. All these attempts of communication were met with indifference.

41. Finally, Mr Shoults confirmed his experience that The Neighbourhood Development Plan (adopted 2016) and the concerns of the community were not considered – they were not discussed, understood, agreed, or responded to by either the Appellant or the Local Authority during the planning process.

Conclusion

42. WyeCrag's fundamental concern is for the Grade I listed buildings, which are located at the heart of the village and have been an essential part of community life for over 570 years.
43. If the Grade I listed buildings are converted to private housing they will be closed to the local community wider public, and the historic ambience of Wye the university village will be lost forever.
44. The Appellant's proposal to sub-divide these medieval and Jacobean buildings into private dwellings is very alarming. Such sub-division and associated upgrade will be extremely problematic and detrimental to the original building fabric.
45. As an example of optimum viable use, WyeCrag have prepared an alternative proposal, providing a less harmful, more policy compliant, multi-functional scheme, in accordance with the Wye Neighbourhood Development Plan.
46. The public consultation required by Policy WNP6 and WYE3 was not correctly carried out, as the planning application for Appeal A was submitted when the public consultation exercise had not progressed beyond exploring initial placemaking opportunities.
47. In general, WyeCrag members and supporters are dismayed by the lack of community involvement in the planning process and the reluctance of the Appellant to engage in discussions concerning the future use of the Grade I listed buildings.

For the reasons recorded in this closing submission we would urge that Appeal A be dismissed.