

HISTORIC LANDSCAPE ASSESSMENT

Land north of Appledore Road, Tenterden, Kent

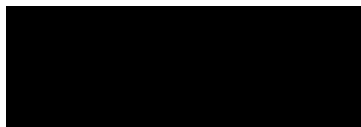
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EXECUTIVE SUMMARY

RPS Heritage was commissioned by Wates Developments Ltd to undertake a Historic Landscape Assessment (HLA) of Land north of Appledore Road, Tenterden, Kent, located at NGR 589441, 133727. The c.24.5 hectare study site has been assessed for its historic landscape potential and survival of features of historic landscape interest. This HLA has been prepared in response to a Screening Opinion (19/00007/EIA/AS) to which the Senior Archaeological Officer at Kent County Council responded, requesting that the development is guided by a specialist HLA with regard to possible impacts to the area of Gallows Green, and the archaeological importance of hedgerows, field boundaries and early trackways. An archaeological desk-based assessment (ADBA) has been prepared for the site (CgMs 2019), and this HLA summarises and supplements the information provided within the ADBA. A Built Heritage report has also been produced (Malcolm A Cooper Consulting 2019).

The proposed scheme comprises a hybrid application – which is part outline and part detailed. The outline element is for the development of up to 250 residential dwellings (40% affordable) including the creation of access points from Appledore Road and Woodchurch Road and the creation of a network of roads, footways and cycleways through the site. There will also be the provision of open space including children’s play areas, community orchards, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site, with all matters reserved other than access. The detailed element is the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with a pavilion to serve the proposal and the surrounding area. This element of the hybrid application includes matters relating to accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping.

The study site is currently occupied by agricultural pasture land and sports pitches, and lies beyond the eastern side of the historic core of the medieval market town of Tenterden. The study site was occupied by agricultural land for all of its recorded history, comprising predominantly pasture fields, ponds and a trackway. The trackway as shown on the 1843 Tithe map crossed the southern portion of the site and ran from Gallows Green/Appledore Road in the west to the east-northeast, separating the pasture land to the north (belonging to Eastgate) from the two arable fields to the south (belonging to Place Farm). It is possible that this route once linked with Woodchurch Road adjacent to Two Acre Wood via a continuation of the trackway, which is visible on the Lidar data but not recorded on historic maps. The historic land divisions, as noted on the 1822 Adams map of Tenterden and the 1843 Tenterden Tithe Map, indicate an area of pre-enclosure irregular fields with sinuous boundaries, most likely assarts, with some later straight-line boundaries inserted, the latter which have since been removed.

The historic landscape character of the site is one exhibiting considerable time depth and coherence, with no historic boundary loss and the survival on site of various historic landscape features pre-dating 1845, including hedgerows, mature trees, ponds and trackways. The area of the actual Gallows Green, which also gave its name to a group of cottages and two fields as recorded in the Tithe, has been identified as lying outside of the study site in the area alongside the present Appledore Road, and will not be impacted by the proposed

scheme. Gallows Green, and the likely site of the gallows themselves, has already been redeveloped for housing.

The presence of 'Important' hedgerows and other historic landscape features should not preclude development. The development proposals preserve, where possible, the hedgerows themselves or the boundaries they represent, physically or in design, and applies the same principle to other historic landscape features identified in the assessment. Field names recorded within the Tithe Apportionment and names of important figures associated with the site could be included within the scheme as a nod to its historic past. An outline landscape management plan is being submitted as part of the application to provide a framework for how the historic woodland and other landscape features are to be managed for the future.

The development scheme has sought to minimise the impact to the historic landscape through a combination of retention and avoidance, and sympathetic development at a scale and grain which will fit comfortably into its surroundings.

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Assumptions and Limitations

This report is compiled using primary and secondary information derived from a variety of sources, only some of which have been directly examined. The assumption is made that this data, as well as that derived from other secondary sources, is reasonably accurate.

Compliance

This document has been prepared in accordance with the requirements stated within the National Planning Policy Framework (NPPF; (Department for Communities and Local Government, 2019), National Planning Practice Guidance (NPPG; (Department for Communities and Local Government), and the Chartered Institute for Archaeologists' *Standard and guidance for historic environment desk-based assessment*, and *Standard and guidance for commissioning work on, or providing consultancy advice on, archaeology and the historic environment* (Chartered Institute for Archaeologists, December 2014 and January 2017).

1 INTRODUCTION AND SCOPE

1.1 Background

- 1.1.1 RPS Heritage was commissioned by Wates Developments Ltd to undertake a Historic Landscape Assessment (HLA) of Land north of Appledore Road, Tenterden, Kent, located at NGR 589441, 133727. The c.24.5 hectare study site has been assessed for its historic landscape potential and survival of features of historic landscape interest.
- 1.1.2 The proposed scheme comprises a hybrid application – which is part outline and part detailed. The outline element is for the development of up to 250 residential dwellings (40% affordable) including the creation of access points from Appledore Road and Woodchurch Road and the creation of a network of roads, footways and cycleways through the site. There will also be the provision of open space including children’s play areas, community orchards, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site, with all matters reserved other than access. The detailed element is the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with a pavilion to serve the proposal and the surrounding area. This element of the hybrid application includes matters relating to accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping..
- 1.1.3 An aerial view of the study site and its current surrounding landscape context is shown at **Plate 1**. **Figures 1, 2 and 3** illustrate the site’s location, recorded HER data and Historic Landscape Character.



Plate 1 Aerial view of study site, numbered field parcels and surrounding landscape context

LAND NORTH OF APPLEDORE ROAD, TENTERDEN, KENT

- 1.1.4 This HLA has been prepared in response to a Screening Opinion (19/00007/EIA/AS) to which the Senior Archaeological Officer at Kent County Council responded, requesting that the development is guided by a specialist HLA with regard to possible impacts to the area of Gallows Green, and the archaeological importance of hedgerows, field boundaries and early trackways. An archaeological desk-based assessment (ADBA) has been prepared for the site (CgMs, December 2019), and this HLA summarises and supplements the information provided within the ADBA. A Built Heritage report has also been produced (Malcolm A Cooper Consulting 2019).
- 1.1.5 The study site is currently occupied by agricultural pasture land and sports pitches, and lies beyond the eastern side of the historic core of the medieval market town of Tenterden. The study site was occupied by agricultural land for all of its recorded history, comprising predominantly pasture fields, ponds and a trackway. The trackway as shown on the 1843 Tithe map (see **Figures 6 and 19**, and **Plate 2**) crossed the southern portion of the site and ran from Gallows Green/Appledore Road in the west to the east-northeast, separating the pasture land to the north (belonging to Eastgate) from the two arable fields to the south (belonging to Place Farm).



Plate 2 Extract from the 1843 Tithe Map for Tenterden

- 1.1.6 It is possible that this route once linked with Woodchurch Road adjacent to Two Acre Wood via a continuation of the trackway, which is visible on the Lidar data (see **Figures 16 and 17**) but not recorded on historic maps. The historic land divisions, as noted on the 1822 Adams map of Tenterden (see **Figure 5**, and **Plate 3**) and the 1843 Tenterden Tithe Map, indicate an area of pre-enclosure

irregular fields with sinuous boundaries, most likely assarts, with some later straight-line boundaries inserted, the latter which have since been removed.

- 1.1.7 In terms of historic landscape character (see **Figure 3**), the study site is recorded by the Kent Historic Landscape Characterisation survey (as supplied digitally by the KCC HER; see also Oxford Archaeology 2001) as lying within an area characterised by small rectilinear fields, with wavy boundaries and ponds, most likely dating to the late medieval period. The occurrence of some limited straight-line boundaries as shown on the historic maps of the early 19th century suggest that these arose as a result of parliamentary enclosure, and pre-date 1845. As such, all the surviving boundary features within the study site are considered 'Important' under the Hedgerow Regulations.

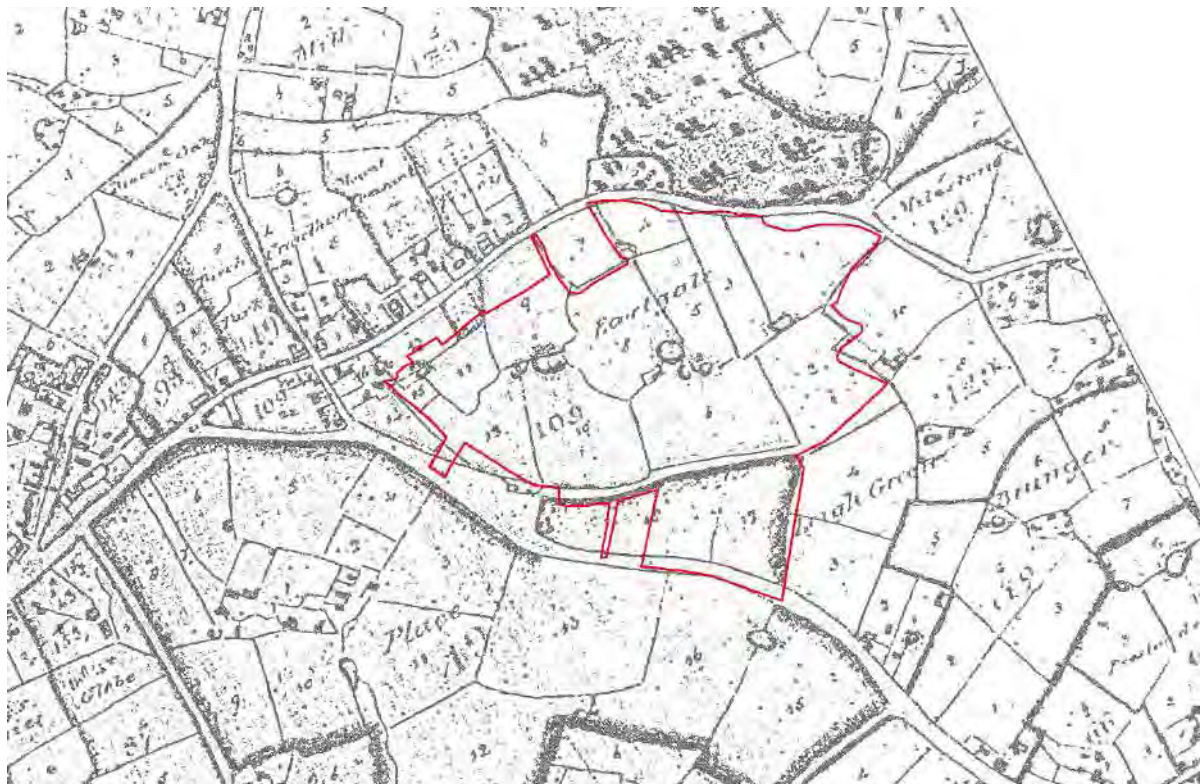


Plate 3 The Site in relation to the 1822 Adams map of Tenterden

- 1.1.8 The study site does not lie within any areas of perceived archaeological potential or conservation areas as defined by Ashford Borough Council. There are no statutory nationally designated heritage assets recorded within the study site.
- 1.1.9 The historic landscape character of the site is one exhibiting considerable time depth and coherence, with no historic boundary loss and the survival on site of various historic landscape features pre-dating 1845, including hedgerows, mature trees, ponds and trackways.

1.2 Scope and methodology

- 1.2.1 This Historic Landscape Assessment considers the archaeological and historic landscape context of the site in its wider milieu, but the scope of the assessment in terms of the presence/absence of historic hedgerows and other historic landscape features is limited to the confines of the study site itself.

- 1.2.2 This assessment comprises an examination of evidence on the Kent Historic Environment Record (HER) and other sources, as well as a comprehensive site walkover survey. An analysis of Lidar data was undertaken to identify any additional unrecorded archaeological/historic landscape features.
- 1.2.3 The report also includes the results of a map regression exercise which considers the development of the study site from the 18th Century until the present day, and an analysis of any surviving historic hedgerows and other features recorded on relevant historic maps using GIS (Geographical Information Systems) and ground-truthed in the field.

1.3 Ancient woodland, the origin of rural hedgerows and historic land divisions

- 1.3.1 Ancient woodlands have always been an important part of the historic landscape and much of the country was covered by primeval forests after the Ice Age, where Mesolithic hunter-gatherers created small glades to attract deer and boar. Forest clearance during the Neolithic continued as land was increasingly cleared for planting crops and the domestication of animals: the gradual adoption and spread of agricultural practices changed prehistoric peoples' lifestyle from hunting and gathering, to a less nomadic and eventually a settled existence working the land. Woodland clearance continued during the Bronze Age and Iron Age: agriculture intensified, field systems and settlement hierarchies were established, which included the construction of hillforts. Also at this time, many of the ancient trackways following higher ground, now familiar as footpaths, were established. By the Roman period, prehistoric farmers had largely cleared the 'wildwood' and remaining woodlands in some areas were felled for charcoal – an important fuel for iron-working in the Iron Age. The Romans added their own roads between their major camps and settlements, many of them now followed by modern roads. In addition to opening up the landscape, woodland clearance and early agriculture also led to widespread erosion of the former deep, noncalcareous, forest soils and the formation of the thin soils upon which the chalk grasslands developed.
- 1.3.2 Field systems are a ubiquitous feature of the British countryside and represent a physical manifestation of the development and change in agricultural practices from the prehistoric period to the modern day, which relate not only to cultivation but also animal husbandry. Some of the earliest boundaries may be identified from patterns preserved within the present landscape, or are buried below ground, preserved as areas of colluvium sealed beneath later elements.
- 1.3.3 Many prehistoric field systems are regular, almost grid-like, in their layout and are characterised by uniformly small, conjoined, square or rectangular, field plots, sometimes described as 'co-axial' or 'cohesive'. The field system tends to develop along a dominant axis, or at right angles to it; on occasion the axial geometry is adhered to regardless of the underlying topography. These field systems are variably characterised by field walls and rubble banks (in stone-built environments), or combinations of embanked, ditched or lynched earthen boundaries and differ both geographically, and between upland and lowland contexts.
- 1.3.4 During the Anglo-Saxon period, farming developed further and much of the framework of the modern-day land divisions was established, along with the beginning of settlements focused in the upper valleys. A notable surviving feature of this early pastoral farming is the 'ladder' field system that links

valley-bottom meadows with woodland and cleared downs on higher ground, many of the boundaries surviving as banks, ditches and parish boundaries. Modern estimates suggest that up to 50% of the woodland had been cleared by this time, although the influence of Forest Laws to protect land for hunting began to have an effect.

- 1.3.5 By the medieval period woodlands were seen as valuable assets, but small areas of woodland clearance for agriculture (assarting) continued to decrease their number. Woodlands were often surrounded or internally divided by wood banks and sustainable management practices were common, including coppicing (or pollarding) trees to produce tools and everyday items and charcoal burning for fuel; pigs were also fattened on beech mast and acorns. Many surviving woods still sit exactly within their ancient woodbanks and the presence of a bank and its relationship to the wooded area can provide useful evidence regarding the antiquity of a wood and any phases of expansion or contraction that have taken place over centuries (Muir 2004). Many early woodbanks are massive features consisting of a great curving earthen rampart and an external ditch, but their modern presentation will depend on various factors, such as its original dimensions, degree of erosion and silting of the ditch and the levels of maintenance or neglect.
- 1.3.6 Historic woodlands often contain archaeological sites, relating to past management such as 'charcoal platforms' – D-shaped terraces cut into wooded slopes to create a platform for charcoal burning. New surveying techniques such as LiDAR are helping archaeologists to locate many additional historic sites under woodland, including pits, ancient trackways and woodbanks.
- 1.3.7 Hedgerows, like trees, can make an important contribution to the character of an area and may be historically (and occasionally archaeologically) important as indications of land use and previous ownership. They also contribute significantly to biodiversity. Hedges can originate in a number of ways. They may be woodland (assart) hedges, formed out of woodland trees/shrubs left as remnants after woodland clearance, or they may derive from scrub growing on boundaries between cultivated fields. They may be planted with individual or a mix of species, and some may be a combination of different origins.
- 1.3.8 Saxon charters make numerous references to hedges which are often mentioned as boundary features, although the use of hedging can be traced back to the Iron Age. Medieval open fields were, by definition, unhedged, though their peripheries were. In some areas, large numbers of hedges were planted as a result of the Enclosure Acts, the bulk of which were between 1760 and 1820, and in some instances the hedge itself may be protected by the specific Enclosure Act. During the era of Parliamentary Enclosure it has been estimated that around 200,000 miles of new hedges were planted: this is largely due to the fact that the recipients of enclosure awards were obliged to hedge (or wall, depending on their locality) the boundaries of their new holdings or risk falling foul of the law.
- 1.3.9 Most Parliamentary Enclosure hedgerows are dominated by hawthorn, with early colonists like elder, bramble and wild roses, and have a straight plan and homogenous composition. This contrasts with the curving lines and varied shrub species characteristic of older hedgerows, which often include field maple, hazel, oak, ash, elm and gean (wild sweet cherry). Most hedges were deliberately planted,

using plants gathered from the woods or bought from nurseries, depending on the period and local circumstances.

- 1.3.10 The demise of a hedgerow can be traced through a series of stages: first, the abandonment of periodic laying and maintenance results in the development of gaps, which are then often widened by livestock and the gaps then stopped with rails and items of farm debris. Eventually the shrub components of the hedge die, leaving the hedgerow trees standing in a hyphenated line. As these trees too die off, the old hedgerow may only be apparent as an alignment of a few trees separated by a wide gap, and may thus be more legible on historic maps than in the current landscape.
- 1.3.11 During enclosure, new roads were often built, which either formalised existing historic routeways or created new, turnpiked, routes. Any modest country road which runs arrow-straight will probably either be a Roman Road or an enclosure road. Occurring abruptly within the network of winding older routeways these planned roads contrast with the winding older routes, but sometimes terminate abruptly at the parish boundary or change alignment when crossing from one parish to another.
- 1.3.12 Each countryside has its own distinct character. Ancient countryside is a place of hollowed winding lanes, many rich old hedgerows, abundant footpaths, scattered farmsteads, and numerous small woods. Planned countryside often bears the hallmarks of Parliamentary Enclosure: there are few woods, but those that exist may be large and with long histories of organised commercial exploitation; lanes and footpaths are fewer and are often straight and not sunken; while the settlement pattern is composed of old nucleated villages and the dispersed farmsteads of the 18th and 19th centuries which derive from Parliamentary Enclosure (Muir 2004).

1.4 Local context

- 1.4.1 The study site lies at the intersection of three national landscape character areas: National Character Area 122. High Weald; National Character Area 123. Romney Marshes and National Character Area 121. Low Weald (Natural England). These areas are largely distinct from each other by virtue of their soils: lighter soils on the sandstone in the High Weald, and predominantly clay soils in the Low Weald, with the Romney Marshes as reclaimed land, which provided extensive and rich pastures for sheep, and particularly important for the medieval wool trade around which Tenterden flourished during the 12th and 13th centuries.
- 1.4.2 The Kent Historic Landscape Characterisation survey was undertaken by Oxford Archaeology in 2001, and the broad-brush characterisation records the study site as split between 'Small rectilinear [fields] with wavy boundaries and ponds' and 'Post 1810 settlement (general)' (OAU 2001) (see **Figure 3**).
- 1.4.3 A Landscape Character Study undertaken for Ashford Borough Council as part of the Ashford Local Development Framework (November 2005) partially includes the site within the area of 'Woodchurch Undulating Farmlands'. The landscape is undulating and forms part of the immediate foreground to the High Weald Areas of Outstanding Natural Beauty (AONB), but does not lie actually within the AONB.

- 1.4.4 Archaeological evidence has demonstrated that the Weald was not an uninhabited wild wood during the prehistoric period, but that some woodland clearance was underway in the Neolithic and Bronze Age, with settlement in the Bronze and Iron Ages (Forum Heritage Service, 2008, 19). There was significant iron working within the Weald during the Iron Age, which was further developed during the Romano-British period.
- 1.4.5 In the early medieval period the Weald was heavily afforested and used as summer pasture by communities from beyond the Weald, particularly those at the coast. These communities developed 'dens', or small woodland pastures, as a result of the transhumance system of herding stock, particularly pigs: these dens were linked to their parent settlements by droves that survive as lanes, greenways and footpaths. The dens began to be converted to permanent occupation from the 10th century, and Tenterden is a typical example of this process of settlement in the High Weald.
- 1.4.6 The seasonal occupation of the Weald was a practice dating back to at least the Romano-British period, and the Roman Road from Hemsted to Canterbury, which passed through Tenterden and Ashford, would attest to this view. A small branch road leading off the main Roman Road, and leading to a now silted estuary of the Rother southwest of Tenterden has also been postulated (Kent County Council 2004, 2).
- 1.4.7 The field pattern within the Weald has traditionally been largely attributed to the medieval process of assarting – the piecemeal clearance of woodland to create small fields for pasture and/or cultivation. With close links to the sea and its roadside location facilitating trade, the town expanded as a result of the strong local wool industry, and also because of its valuable woodland resources, beyond usage as swine pasture. The town overlooks the valley of the River Rother, and became a Limb of Rye in 1449 as part of the Confederation of Cinque Ports, supplying timber to Rye for ship-building, including for the Armada in 1587.
- 1.4.8 The study site is part of an ancient landscape, and characterised by wooded farmland, set within a hedgerow framework containing standard oak trees and a mix of other native species, with small fields divided by a strong network of hedgerows, punctuated by field ponds which are most likely remnants of former marl pits.

1.5 Site visit

- 1.5.1 A comprehensive walkover survey of the study site was carried out in September 2019. The study site is currently under grass and used predominantly as grazing for sheep. A public footpath crosses the site from Woodchurch Road in the north, to Appledore Road in the south, and is well-used. The two fields in the southernmost part of the site (F13 and F14) are used for recreation, and are therefore mown rather than grazed.
- 1.5.2 The western area of the site is marshy in places with a network of drainage ditches and ponds. Banks and/or ditches were observed on the location of present or past field boundaries, as well as evidence of past terracing or plough lynchets. Boundaries comprised hawthorn, some gappy, with others comprising large veteran oaks. The areas of ponds were overgrown and largely silted up, although there was water running in some of the drainage channels.

- 1.5.3 A discrete area of linear earthworks running northwest-southeast were observed in the western corner of the site (parcel F1, see **Plates 1** and **4**), in an area recorded as 'Orchard Lodge and Yard' in the Tithe Apportionment (plot 1689). This area is therefore likely to be indicative of post-medieval/modern fruit tree planting, rather than being an example of well-preserved evidence of medieval ridge-and-furrow cultivation.



Plate 4 Area of linear earthworks in western corner of the study site (F1)

- 1.5.4 The various field boundaries and other historic landscape features visible on the 1822 Adams map all remain extant, including the trackway crossing the southern portion of the site (see **Plate 5**), and also the numerous ponds and associated drainage channels, as recorded in 1822 and also on the 1843 Tithe.
- 1.5.5 The site walkover focused also on identifying the location of Gallows Green and the site of the former gallows. It was established, through the interpretation of historic maps and landscape analysis, that the actual site of the gallows was almost certainly outside of the site boundary, in an area already redeveloped for housing fronting Appledore Road in the area of Briar Court.



Plate 5 Former trackway visible in southern portion of the site (F5)

2 LEGISLATIVE BACKGROUND AND DEVELOPMENT PLAN FRAMEWORK

2.1 Legislation

- 2.1.1 There is national legislation and guidance relating to the protection of, and development on, or near, important archaeological sites, historic landscapes or historical buildings within planning regulations as defined under the provisions of the Town and Country Planning Act 1990. In addition, local authorities are responsible for the protection of the historic environment within the planning system.
- 2.1.2 National legislation regarding archaeology, including scheduled monuments, is contained in the Ancient Monuments and Archaeological Areas Act 1979, amended by the National Heritage Act 1983 and 2002, and updated in April 2014.
- 2.1.3 Historic England (formerly English Heritage) is enabled by the Historic Buildings and Ancient Monuments Act 1953 (as amended) to maintain a register of parks, gardens and battlefield sites which appear to Historic England to be of special historic interest. Registration in this way makes the effect of proposed development on the sites and their settings a material consideration.
- 2.1.4 The removal of a hedgerow is unlikely to require planning permission, but if removal is proposed as part of a planning application then its impact on the heritage significance of the area and its impact on the setting of any heritage assets around may be taken into account in accordance with planning policies in the National Planning Policy Framework (NPPF) and the local development plan.
- 2.1.5 In March 2012, the government published the National Planning Policy Framework (NPPF), and it was last updated in February 2019. The NPPF is supported by the National Planning Practice Guidance (NPPG), which was published online 6th March 2014 and last updated 22nd July 2019 (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>).
- 2.1.6 The NPPF and NPPG are additionally supported by three Good Practice Advice (GPA) documents published by Historic England: GPA 1: The Historic Environment in Local Plans; GPA 2: Managing Significance in Decision-Taking in the Historic Environment (both published March 2015). The second edition of GPA3: The Setting of Heritage Assets was published in December 2017.

Hedgerow Regulations

- 2.1.7 Under the Hedgerow Regulations 1997, as amended by The Hedgerows (England) (Amendment) Regulations 2002, hedgerows are deemed to be historically Important if they are over 30 years old and either: incorporate, or are associated with, a Scheduled archaeological feature or site; mark the Boundary of a pre-1600 estate or manor recorded at the relevant date in a Sites and Monuments Record; or forms an integral part of a pre-1845 field system.
- 2.1.8 The 1997 Hedgerow Regulations were made under Section 97 of the Environment Act 1995, and introduced arrangements for Local Planning Authorities to protect 'important' hedgerows in the countryside, by controlling their removal through a system of notification. The DEFRA publication 'The Hedgerows Regulations 1997: A Guide to the Law and Good Practice' is a useful guide in this respect.

2.1.9 The Regulations provide criteria for assessing whether a hedgerow is ‘important’ for the purposes of the Regulations. To qualify as ‘important’ a hedgerow must have existed for 30 years or more and following this must fulfil at least one of the criteria in the Schedule 1 Criteria. Those for ‘archaeology and history’ comprise Part II, namely:

1. *“The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose ‘historic’ means existing before 1850.*
2. *The hedgerow incorporates an archaeological feature which is:*
 - a. *included in the schedule of monuments compiled by the Secretary of State under Section 1 (schedule of monuments) of the Ancient Monuments and Scheduled Areas Act 1979; or*
 - b. *recorded at the relevant date in a Sites and Monuments Record¹*
3. *The hedgerow:*
 - a. *is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and*
 - b. *Is associated with any monument or feature on that site.*
4. *The hedgerow:*
 - a. *marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in Sites and Monuments Record or on a document held at that date at a Record Office; or*
 - b. *is visibly related to any building or feature of such as estate or manor.*
5. *The hedgerow:*
 - a. *is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts;*
 - b. *is part of, or visibly related to, any building or other feature associated with such a system, and that system:*
 - i. *Is substantially complete; and*
 - ii. *Is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act, for the purposes of development control within the authority’s area, as a key landscape characteristic”.*

2.1.10 The interpretation of paragraph 5 was clarified by DEFRA on the 23rd May 2002 (letter from DEFRA to Chief Planning Officers in England):

“Amendment to the Hedgerow Regulations 1997: A Guide to the Law and Good Practice (page 27).

PARAGRAPH 5: The hedgerow:

- a. *Is recorded in a document held at the relevant date (24th March 1997) at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; or*

¹ *Historic Environment Records (HERs) have largely replaced Sites and Monuments Records.*

b. *Is part of, or visibly related to, any building or other feature associated with such a system, and that system:*

- i. *Is substantially complete; or*
- ii. *Is of a pattern which is recorded in a document prepared before the relevant date (24th March 1997) by a local planning authority, within the meaning of the Town and Country Planning Act 1990, for the purposes of development control within the authority's area, as a key landscape characteristic.*

2.1.11 The phrase 'pre-dating the Inclosure Acts' should be taken to mean before 1845 (whether or not Inclosure Acts exist for the area in question), that being the earliest of the Acts known by the collective title given by the Short Titles Act 1896.

2.1.12 Under paragraph 5(a) a hedgerow is 'important' if it was recorded as of 24th March 1997 in a Record Office document as forming an integral part of the pre-1845 field system. The completeness of the field pattern at the present date is irrelevant. A hedgerow so recorded would still be important if it is now the only remaining part of the pre-1845 field system.

2.1.13 Under paragraph 5(b)(i), a hedgerow is 'important; only if it is part of, or visibly related to, an existing building or feature associated with a pre-1845 field system, and that system remains substantially complete'. This means the field system must be still discernible.

2.1.14 'Important' hedgerows are not designated heritage assets (as defined in the NPPF Annex 2). The Hedgerow Regulations are essentially a notification mechanism. Thus an applicant needs to notify the LPA prior to the removal, either entirely or in part, of an 'important' hedgerow. There is a prescribed form of notice set out in Schedule 4 to the Regulations, although the form an LPA uses does not have to follow this. The requirement is for sufficient information to be given to the LPA for them to consider the proposed removal

2.1.15 In accordance with the Hedgerows Regulations, all Hedgerows forming boundaries to the existing roads and properties are excluded from the definition of 'Historic Hedgerows'.

2.2 Local Planning Policy

2.2.1 The study site is located within the Borough of Ashford, which has recently adopted the *New Ashford Local Plan 2030*. This was adopted in February 2019 and contains the following policies relevant to the site:

2.2.2 **Policy SP1 – Strategic Objectives** states (*inter alia*):

To deliver the 'Vision', a number of strategic objectives have been identified. They form the basis of this Local Plan's policy framework, as well as providing the core principles that planning applications are expected to adhere to.

c. To conserve and enhance designated and non-designated heritage assets and the relationship between them and their settings in a way that promotes distinctive places, proportionate to their significance. Place-based heritage will be a key principle underpinning design and spatial form of development;

d. To create the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area;

2.2.3 Policy ENV3a – Landscape Character and Design states that:

All proposals for development in the borough shall demonstrate particular regard to the following landscape characteristics, proportionately, according to the landscape significance of the site:

- a) Landform, topography and natural patterns of drainage;
- b) The pattern and composition of trees and woodlands;
- c) The type and composition of wildlife habitats;
- d) The pattern and composition of field boundaries;
- e) The pattern and distribution of settlements, roads and footpaths;
- f) The presence and pattern of historic landscape features;
- g) The setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features;
- h) Any relevant guidance given in the Landscape Character SPD;
- i) Existing features that are important to and contribute to the definition of the local landscape character shall be retained and incorporated into the proposed development; and,
- j) Any non-designated, locally-identified, significant landscape features justified in a Parish Plan or equivalent document.

Policy ENV3b – Landscape Character and Design in the AONBs

The Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs.

Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.

All proposals within or affecting the setting of AONBs will also only be permitted under the following circumstances:

- The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.
- The development would enhance the special qualities, distinctive character and tranquillity of the AONB.
- The development has regard to the relevant AONB management plan and any associated guidance.
- The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.

2.2.4 The study site does not sit within the High Weald AONB, but lies adjacent to it and therefore within its setting. The site forms part of the immediate foreground to the AONB.

2.2.5 **Policy ENV5 – Protecting Important Rural Features** states that:

All development in the rural areas of the Borough shall protect and, where possible, enhance the following features:

- a) Ancient woodland and semi-natural woodland;
- b) River corridors and tributaries;
- c) Rural lanes which have a landscape, nature conservation or historic importance;
- d) Public rights of way; and,
- e) Other local historic or landscape features that help to distinguish the character of the local area.

2.2.6 **Policy ENV13 – Conservation and Enhancement of Heritage Assets** states that:

Proposals which preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

All applications with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.

2.2.7 **Policy ENV14 – Conservation Areas** states that:

Development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the Area and its setting. Proposals should fulfil each of the following:

- a) The scale and detailed design of all new development and alterations should respect the historical and architectural character, proportion and massing, including roofscapes, of the area, the relationship between buildings, the spaces between them and with their setting;
- b) The materials proposed should be appropriate to the locality and complement those of the existing buildings;

- c) Buildings and streets of townscape character, trees, open spaces, walls, fences or any other features should be retained where they contribute positively to the character and appearance of the area;
- d) The development should not generate levels of traffic, parking or other environmental problems which would result in substantial harm to the character, appearance or significance of the area;
- e) The use should be appropriate to and compatible with the character, appearance and historic function of the area; and,
- f) The development would not prejudice important views into or out of the conservation area.

2.2.8 Policy ENV15 – Archaeology states that:

The archaeological and historic integrity of Scheduled Monuments and other important archaeological sites, together with their settings, will be protected and where possible enhanced. Development which would adversely affect such designated heritage assets will be assessed in line with Policy ENV13.

In addition, where the assessment outlined in Policy ENV13 reveals that important or potentially significant archaeological heritage assets may exist, developers will be required to arrange for field evaluations to be carried out in advance of the determination of planning applications.

Where the case for development affecting a site of archaeological interest is accepted, any archaeological remains should be preserved in situ as the preferred approach. Where this is not possible or justified, appropriate provision for preservation by record may be an acceptable alternative dependent upon their significance. Any archaeological recording should be by an approved archaeological body and take place in accordance with a specification and programme of work to be submitted to and approved by the Borough Council in advance of development commencing.

2.2.9 Policy HOU5 – Residential windfall development in the countryside states that:

Proposals for residential development adjoining or close to the existing built up confines of the settlements listed in policy HOU3a will be permitted providing that each of the following criteria is met:

- a. the scale of development proposed is proportionate to the level of service provision currently available in the nearest settlement and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development;
- b. the site is within easy walking distance of basic day to day services in the nearest settlement;
- c. the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;
- d. the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;
- e. conserve and enhance the natural environment and conserve any heritage assets in the locality;

- f. the development (and any associated infrastructure) is of a high quality design and meets the following requirements:-
 - i. it sits sympathetically within the wider landscape,
 - ii. it preserves or enhances the setting of the nearest settlement,
 - iii. it includes an appropriately sized and designed landscape buffer to the open countryside,
 - iv. it is consistent with local character and built form, including scale, bulk and the materials used,
 - v. it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
 - vi. it would enhance biodiversity interests on the site and / or adjoining area and not adversely effect the integrity of international and national protected sites in line with Policy ENV1.

2.2.10 A number of policies that were formerly in place have been superseded/deleted by the adoption of the Local Plan 2030. These include (amongst others), GP10 Conserving and Enhancing Tenterden's Special Character; GP12 Protecting the Countryside and Managing Change; EN9 Setting and Entrances to Towns and Villages; EN27 Landscape Conservation; EN28 Historic Parks and Gardens; and, TRS17 Landscape Character & Design.

3 GEOLOGY AND TOPOGRAPHY

Geology

- 3.1 The British Geological Survey (BGS Online 2019) records the underlying geology of the study site as largely Wadhurst Clay Formation – Mudstone in the central area, with a band of Tunbridge Wells Sand Formation – Sandstone and Siltstone, interbedded in the north, and Wadhurst Clay Formation – Sandstone to the south (see **Figure 18**). The various ponds recorded in the study site, most likely the remains of marl-pits, are all concentrated in the central geological band of the site, within the Wadhurst Clay Mudstone.
- 3.2 Marl was used as a form of fertiliser to revive agricultural soils, and was not a regular practice because the effects of marling lasted for approximately 30 years, which meant that it only needed to be carried out every generation or so. When it was used, however, it required thorough mixing with the earth and to be distributed on an extensive scale in order for it to be effective. The practice of marling appears to have been known about and undertaken to some extent since before the Roman occupation of Britain: Pliny records that the Celtic inhabitants of Britain, Gaul and Megara used marl in the 1st century. There then appears to be a gap in the evidence until reference is made to the practice of marling during the 13th century, when leases refer to the provisions made for the digging of marl pits. This practice did not, however, fully take off until the post-medieval period. Marl pits were often situated in the middle of agricultural fields in order to make the spreading of the marl easier, but could alternatively have been situated where two furlongs met (Jeffery 2008).
- 3.3 The 16th, 17th and early 18th centuries were characterised by an increase in the number of marl pits and the practice of marling, partly because of the agricultural revolution which was taking place, along with population pressures and an increase in food prices which necessitated a growth in agricultural output. However, by the late 18th and early 19th century lime had largely supplanted marl, and thus marl pits became abandoned, and were often recorded on Tithe maps as ponds, although occasionally field name evidence points to former marling activity.

Topography

- 3.4 Tenterden is located in the Ashford District of Kent, on the north-eastern edge of the High Weald, overlooking the River Rother.
- 3.5 The study site itself lies north-east of the town core and is bounded by residential properties and the B2067 to the north, by residential properties and the B2080 to the south, residential properties to the west and fields to the east. The study site is an irregularly shaped parcel of land measuring c.24.53ha in area.
- 3.6 The study site is sloping from the northern plateau downwards from c.64m aOD to c.50m aOD to the south and west, and to c.45m aOD to the east. The study site is crossed by drainage ditches adjoining ponds, as well as upstanding hedgerows and lines of trees.

4 HISTORICAL BACKGROUND AND ASSESSMENT

4.1 Introduction

- 4.1.1 In terms of Historic Landscape Characterisation (HLC) data, the study site is split between 'Small rectilinear [fields] with wavy boundaries and ponds' and 'Post 1810 settlement (general)' (OAU 2001) (see **Figure 3**). The broad-brush approach of HLC provides a countywide view, but does not represent a detailed definition of historic character or landscape features denoting the fine-grain of the site itself.
- 4.1.2 This chapter therefore reviews in more detail the historical background of the study site and sets it in its wider landscape, and historical, context. This was informed by the CgMs ADBA (August 2019); the Built Heritage assessment (Malcolm A Cooper Consulting, August 2019), additional detailed research; data recorded for the site and study area within the Kent HER; a historic map regression exercise charting the development of the study area from the 18th century onwards until the present day; analysis of available Lidar data for the site; and a comprehensive site-walkover survey, in order to recognise potential historic landscape features, identify the site of the former gallows, and assess the present nature, extent, condition and survival of any historic landscape features.

4.2 Historic background

- 4.2.1 The earliest undisputed reference to Tenterden is in the Heronden charter of AD 968, witnessed by Eadgar (b.943/4, d.975), king of the Mercians and Northumbrians from 957. Eadgar also became king of the West Saxons, or Wessex, in 959 and is reckoned as King of all England from that year, and known as Edgar the Peaceful. He was efficient and tolerant of local customs, and his reign saw a period of unity and stability. He was most significant as a patron of the English monastic revival, and in the Heronden charter Tenterden is mentioned as part of an area of land granted to Christ Church Priory's manors of Brook and Appledore.
- 4.2.2 By the time of the Domesday Book in 1086 there was no mention of Tenterden, but since 1027 it had formed part of the holdings of St Augustine's Abbey, Canterbury, in whose possession it remained until the Dissolution. It should not be assumed, however, that there was no settlement at Tenterden: during the Anglo-Saxon period the original settlement at Tenterden appears to have evolved at the crossing point of two early tracks, one most likely running north from Small Hythe and the other from Woodchurch in the east running westwards towards Rolvenden and the High Weald.
- 4.2.3 During the Romano-British period, Lympne was known as *Portus Lemanis*, located at the end of Stone Street, the Roman Road from Canterbury, and also had a Saxon Shore fort, established in the late 3rd century. During the Anglo-Saxon period the fort was renamed 'Stutfall', and the castle was rebuilt. By the 13th century Tenterden had become one of the seven hundreds of the Weald, first mentioned in 1241, although it is conjectured that an early church had been founded in Tenterden in the 8th century, around which a small settlement may have organically grown.
- 4.2.4 The extensive area of reclaimed land which is now Romney Marsh was navigable during the 13th century (see **Plate 6**), and Tenterden as a settlement lay on the higher ground to the north of Small Hythe, which is now landlocked but would have formerly been a port.

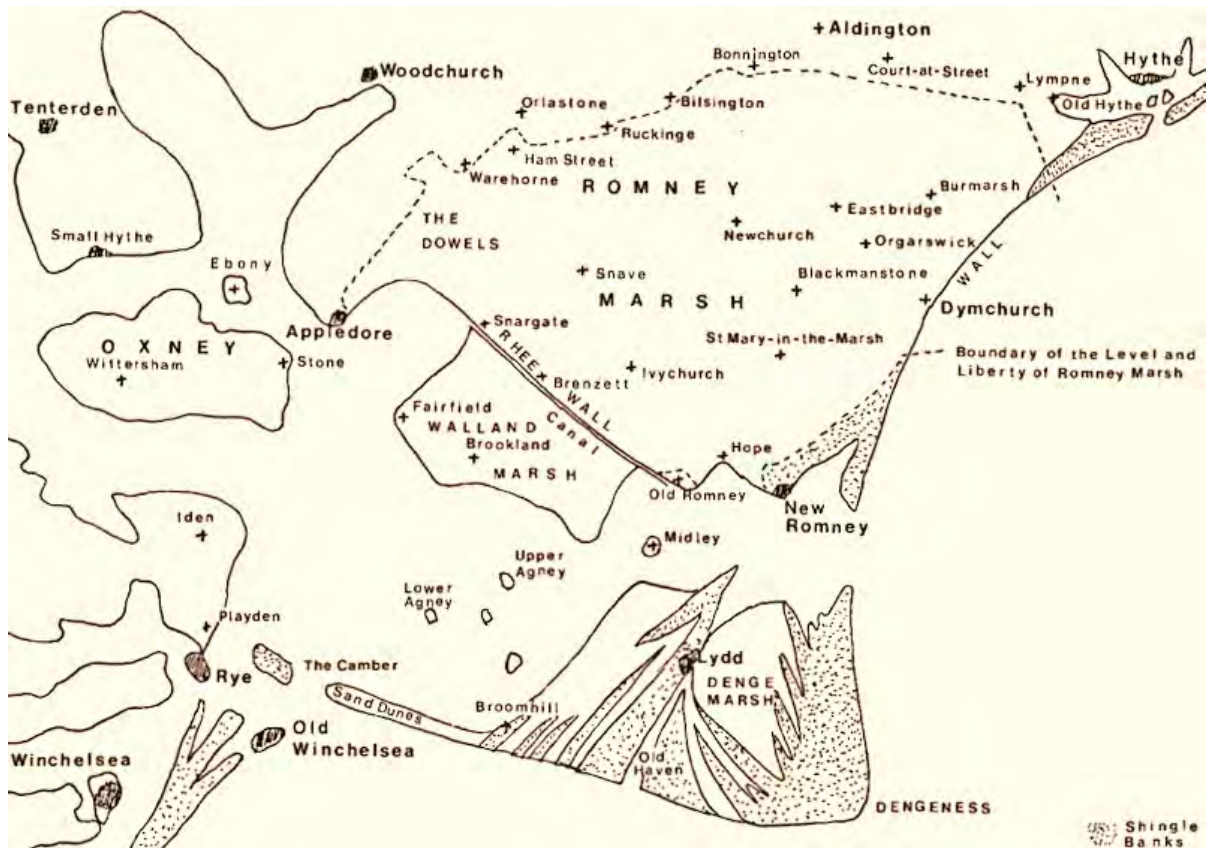


Plate 6 13th century map of Romney Marsh

- 4.2.5 This gave Tenterden access to the sea and trading routes, and assisted with the town flourishing in the 12th and 13th centuries as a market town around St Mildred's Church, helping to establish the town's burgeoning woollen industry. Land was cleared to facilitate sheep grazing as well as supply valuable wood to build ships.
- 4.2.6 The Wealden landscape within which the study site sits was one which was exploited for pannage and transhumance from coastal, lowland communities seeking seasonal resources to exploit inland and upland. This most likely occurred from at least the Romano-British period onwards, and ancient trackways (now overlain by modern roads) most likely linked Tenterden with historic ports at Hythe/Port Lympne to the west-southwest via Woodchurch. Originally areas in the Wealden forest were cleared for pasturing pigs, but with the gradual clearance of the forest and the creation of rich grasslands by the reclamation of much of Romney Marsh, pigs gave way to sheep as the major source of wealth, and in the 13th century Tenterden began to play an active part in the new wool and cloth trade.
- 4.2.7 Tenterden and its surrounds found a ready market in northern Europe for their wool. However, King Edward III prohibited the export of English wool in 1332, but instead invited continental weavers, fullers and dyers to come to England and teach their crafts. Kent, and the Weald in particular, were selected as manufacturing centres for broadcloth and the Flemish influence helped the industry flourish in Tenterden for more than 350 years (Kent County Council 2004, 4).
- 4.2.8 Wool from marshland sheep accounted for much of Tenterden's increasing prosperity, but unlike the other Wealden communities, Tenterden also had access to the sea. The ports of Smallhythe and

Reading Street, both in the Hundred of Tenterden, were initially established to ship timber out of the Wealden forest, but both began to make use of the timber for building ships. When the Cinque Port of Rye found itself unable to fulfil its obligations as a Cinque Port to supply its quota of ships and men for the Crown's use, it turned to Tenterden for help. In 1449 King Henry VI granted to the Town and Hundred of Tenterden its Charter of Incorporation as a limb or member of Rye in the Confederation of the Cinque Ports. In return timber was supplied to fulfil Rye's commitment to the building of Tudor warships, including those in 1587 for Elizabeth I's fleet to defeat the Spanish Armada.

4.2.9 In the 15th and 16th centuries the Romney Marsh harbours silted up and Tenterden slowly lost its maritime trade, bringing about a decline in the influence of both Tenterden and the Cinque Ports. In the 18th century, access to the rich grazing lands of the Marsh and the cultivation of fruit and hops on the higher land continued to bring wealth to the landowners of Tenterden, which developed into an important market and service centre for the surrounding district. The coming of the railway to Ashford and Headcorn in 1842 brought London goods to the Tenterden shops and encouraged its growth as a shopping centre.

4.3 Historic mapping analysis

4.3.1 The 1822 Adams map of Tenterden (**Figure 5, 5a** and **Plate 3**), and the 1843 Tithe map (**Figure 6, 6a** and **Plate 2**) with accompanying Apportionment, provide the most detailed evidence of historic land divisions and historic landscape features as present in the study site in the early 19th century, against which the present landscape can be assessed.

4.3.2 On both the Adams and the Tithe map, the study site lay within the landholdings associated with 'Eastgate'. It is interesting to note that 'East Gate' is also marked on the 1769 Andrews and Dury map (see **Figure 4**) but has an earlier reference in the late 16th century, when a William Austen purchased Eastgate in Woodchurch Road, and married Elizabeth Hales, sister of John Hales who was mayor of Tenterden in 1600. The Hales family, who formerly held the manor of Heronden, were a significant local landowner and also Members of Parliament, and in 1611 a Baronetcy was created for Sir Edward Hales, son of William Hales of Tenterden. John Austen purchased Heronden in the 1630s and was elected MP for Rye in 1667, soon after inheriting the Hall Place estate and various other properties in and around Rye from his father in 1665.

4.3.3 'East Gate' or 'Eastgate' was a former grand house located close to the junction of what is now Beacon Oak Road and Woodchurch Road: its location would have quite literally been the east gate into the medieval settlement of Tenterden when travelling to and from Woodchurch, itself an ancient settlement. The road from Appledore itself may well be of 16th century date, and built after the silting up of Romney Marsh which allowed for a more direct land route to Tenterden, compared to the landform in the 13th century which would have required a land route to Tenterden via Woodchurch (see **Plate 6**). Based on historic map evidence, the 1769 Andrews and Dury map (**Figure 4**) suggests that the original main road led northwest into the town (what is now East Hill), with the north spur possibly in situ at this time (what is now Beacon Oak Road) running up to form the crossroads at Eastgate with Woodchurch Road and Golden Square, but certainly before the 1822 Adams map (**Figure 5**).

LAND NORTH OF APPLEDORE ROAD, TENTERDEN, KENT

4.3.4 In 1822, the Kent History and Library Centre records there was a marriage settlement between Thomas Manclark and Elizabeth Hyland, which describes a “*mansion house messuage with brewhouse, barn etc. in Tenterden, Small messuage now in 2 dwellings at Gallows Green and 64a. land in Tenterden*” (ref: EK/U844/T131). This most likely relates to the former Eastgate estate and main house, located to the immediate northwest of the western edge of the study site at the junction of Appledore Road with Woodchurch Road. The 64 acres of land in Tenterden was predominantly made up of the pasture fields within the study site located to the east of the main house towards Woodchurch Road.

Table 1 Extracts from the 1843 Tithe Apportionment relating to plots within the study site

Owner	Occupier	Plot no.	Land and premises	Cultivation
Manclarke, Elizabeth	Herself	1675	Dovenden	Pasture
		1676	Lodge field	Pasture
		1677	Pound Field	Pasture
		1678	Pond	
		1679	Gallows Green Field	Pasture
		1685	Road Slip <i>Eastgate</i>	Pasture
		1686	Barn field	Pasture
		1687	House, Garden and Pleasure Grounds	
		1688	House field	Pasture
		1689	Orchard Lodge and yard	Pasture
		1690	Imps Garden	Pasture
		1691	Dial Field	Pasture
		1692	Coney Banks	Pasture
		1693	Hop Garden Field	Pasture
		1694	Ridgy Field	Pasture
		1695	Calves Field	Pasture
		1696	Little Sandhill	Pasture
		1697	Great Sandhill	Pasture
	Benjamin Smith & Valentine Weaver	1683	Two Cottages and Gardens	
	Joseph Gilbert, William Hopper & Walter Coseby	1684	Three Cottages and Gardens	
Hook, Elizabeth	John Miles	1680	Cottage and Garden	
Morphett, George	Jeremiah Lindridge	1681	Garden	
		1682	Garden	
Hales, Sir Edward	William Daw	141	Gallows Field	Arable
		142	Four Acres	Arable

4.3.5 On the 1843 Tithe Map and Apportionment (see **Table 1**) the mansion house is listed as Plot 1687, owned and occupied by Elizabeth Manclark under an entry relating to Eastgate, and is described as

'House, Gardens and Pleasure Grounds', suggesting it was a substantial residence, and most likely the 'mansion house message' described in the marriage settlement. Her husband Thomas had died in 1834.

- 4.3.6 The former mansion house is now a Grade II Listed Building called Stace House, dating to the 18th century, but was also previously known as 'The Limes', by which name it was recorded on the 1870 OS map (see **Figure 7**). A new 'Eastgate' house was built on the northern side of Woodchurch Road by 1870 and is not to be confused with the former estate within which the study site largely sits. The 1769 Andrews and Dury map annotate East Gate, below which is written 'Rob.^t Staces', and may hint to why the main house here is now called 'Stace House'.
- 4.3.7 On the eastern boundary, but just outside, of the study site, plot 1658 is recorded as 'Lodge and Yard', belonging to Richard Curteis Pomfret, and occupied by Joseph Catt. The adjacent field, Plot 1675 (within the eastern part of the study site), is recorded as Dovenden, but is not to be confused with the house after the same name which now exists on the north side of Woodchurch Road. At the time of the Norman Conquest, 'denes' represented 'manors' and Tenterden comprised denes appendant to distant manors, who exploited the resources at Tenterden for pannage, the area being largely wooded and approached by drove ways linking these distant manors with the inland resources exploited seasonally for their resources. Furley (writing in 1882) suggests that there were once no less than 30 denes or parts of denes in Tenterden, including names which are prevalent within the 1822 Adams map and 1843 Tithe: namely, Tenterden itself, as well as Heronden and Dovedene amongst others. The Lodge may once have served a medieval manor at Dovedene, now lost, but its name encapsulated within the field name Dovenden.
- 4.3.8 It is considered that the trackway which runs through the southern portion of the study site once connected with the Lodge, and continued on to join with the Woodchurch Road. This trackway also led to the area of cottages and gardens recorded at 'Gallows Green' (plots 1680, 1681, 1682 and 1683) (see **Figure 6a**): the two cottages recorded as Plot 1683 were in the ownership of Elizabeth Manclarke in 1843, and most likely correspond to the two cottages at Gallows Green mentioned in her marriage settlement with Thomas Manclark in 1822.
- 4.3.9 King Henry II (king from 1154 to 1183) introduced the practice of hanging thieves, and a gallows was set up in Tenterden, and Furley notes in 1882 that Tenterden still had its gallows green (Furley 1882, p.43). He also records that in the 13th century, "*A common path, from the ville of Tenterden to the ville of Reding, had been wrongfully enclosed with a ditch and hedge, and another, from Reding to Woodchurch and Halden, had also been stopped, and the sheriff was ordered to "de-obstruct" them. He was also ordered to pull down a house partly built on the highway in Tenterden.*" This notes the early practice of enclosure with hedges and ditches, even on common land, and as such some of the ditches and boundaries within the study site may indeed date to the medieval period.
- 4.3.10 Historic map evidence from both 1769 (**Figure 4**) and 1843 (**Figure 6**) denote the likely gallows area generally within the southern portion of the study site: the 1769 Andrews and Dury map annotates 'Gallows Green' against what appears to be a footpath. This is considered to be synonymous with the

trackway shown on the more detailed 1822 Adams map, which clearly formed a large open area where it joined with the Appledore road.

- 4.3.11 A small semi-circular plot is drawn on the 1822 map (see **Figure 5** and **5a**), which juts out into the area of open space where the trackway and Appledore Road meet: this correlates with the area marked on the 1843 Tithe Map as Plots 1680 and 1681, recorded as Gardens (see **Figure 6** and **6a**). It is clear when comparing the detailed 1822 map with the 1843 Tithe that this area was reconfigured during the early 19th century: Plot 1685, named 'Road Slip' in the 1843 Tithe Map and Apportionment suggests that this smaller area of pasture resulted from the creation of a small area of waste when the land alongside the road from Appledore was enclosed, most likely before 1836 and the Tithe Commutation Act, at which point a consensus on ownership boundaries and the extents of properties was made and recorded in the relevant map and apportionment.
- 4.3.12 The two cottages and gardens at Gallows Green (Tithe Plot 1683; parcel F2) appear to be depicted on Adams' 1822 map and are thought to be synonymous with the two cottages at Gallows Green mentioned in the marriage settlement of Elizabeth and Thomas Manclark. The 1843 Tithe map was an 'altered' version of the map made by John Adams Snr in 1822 and therefore encapsulates those changes that happened in and around the study site over a brief 20 year period.
- 4.3.13 It is therefore suggested here that the actual 'Gallows Green' where the Tenterden gallows stood was in what was formerly the 'open' area where the two roads from Woodchurch and Appledore met (see **Plate 7**). The junction of two key roads into Tenterden would have been a good site for a gallows, warning visitors of their likely fate should they transgress the law in the parish.

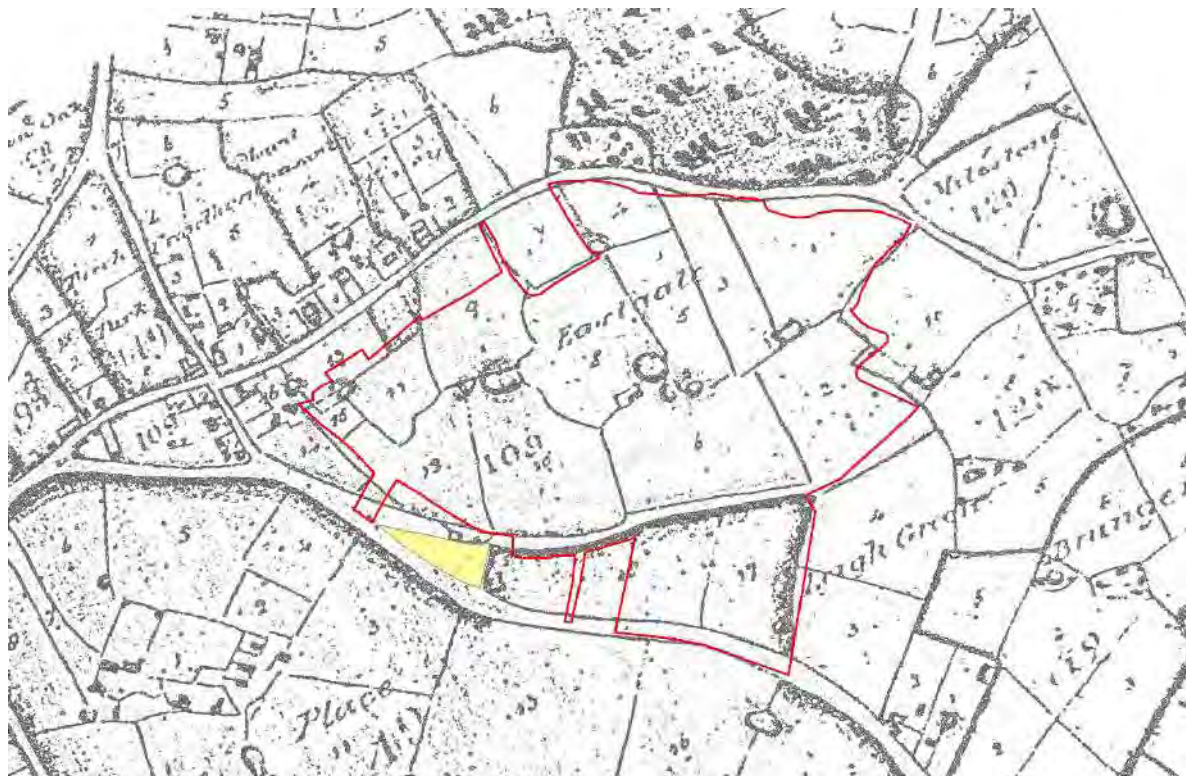


Plate 7 Extract of 1822 map showing site and postulated area of the gallows green (shaded yellow)

4.3.14 This forensic map evidence suggests that the area of Gallows Green was encroached by what became Plots 1682 and 1683, with an extension also to Plot 1679, named in the Tithe as 'Gallows Green Field'. Plot 1684 in the Tithe, recorded as 'Three cottages and gardens' are not depicted on the 1822 Adams map, and are therefore likely to have been added by the time of the Tithe with some encroachment of the plot into the former gallows green area (see **Plate 8**).



Plate 8 1843 Tithe map extract showing area of likely gallows green and encroachment into the area by various landholdings and cottages

4.3.15 The names 'Gallows Green Field' (Plot 1679) and 'Gallows Field' (Plot 141) as recorded in the Tithe appertain to the two fields adjoining the former Gallows Green. 'Gallows Green' as depicted on the Tithe Map now refers to the small assemblage of buildings and gardens which were developed around plots 1680, 1681, 1682 and 1683 (see also **Figure 6a**: the CgMs ADDBA suggests the location of the actual gallows may have lain within Plot 141 on the Tithe, which was an area with a pond encircled by trees. This may be the case, and is certainly at odds within the large arable field extending to the east, which was in the ownership of the Hales family, and part of the farmland associated with Place Farm to the southwest of the study site, separated from it by the Appledore Road).

4.3.16 A comparison of the field boundary divisions depicted on the 1822 Adams map and the 1843 Tithe map shows little change other than the area of Gallows Green having been encroached by various landholdings and the extension of 'Barn Field' (Plot 1686) as the roads into Tenterden from the south were remodelled: the straight line boundaries which sub-divide Plots 1693 (F8), 1695 (F9) and 1696 (F11) on the Tithe are evident also on the 1822 map. However, the majority of the historic field divisions present within the study site today are clearly ancient and historic, pre-dating 1822, and are

therefore 'important' under the Hedgerow Regulations, as well as considered to be non-designated heritage assets.

4.3.17 Another parliamentary-enclosure type straight boundary had been inserted into, and subdivided, Plot 1697 (parcel F11) in the eastern portion of the study site by the time of the OS map published in 1870 (see **Figure 7**), although by 1899 this had been removed (see **Figure 8**). This former boundary is visible on aerial photographs (**Figures 10, 11, 14 and 15**) and also on the Lidar data (**Figure 16**), but is not of historic importance.

4.3.18 Various historic routeways are also depicted on both the 1822 Adams map and in more detail on the 1843 Tithe, which also denotes apparent footpaths crossing the study site, later encapsulated also on the OS 1870 map (see **Figure 7 and Plate 9**).



Plate 9 Historic routeways as recorded on the 1822 Adams and 1843 Tithe maps

4.3.19 Footpaths are recorded on the Tithe and the later OS mapping crossing the area postulated to be the gallows green: this area lies outside the study site to the south, and has been built over by the houses fronting onto Appledore Road in the area of what is now Briar Court and the ribbon development to the northwest, which is shown as being redeveloped on the 1939 OS map (**Figure 9**) and on a 1940 aerial photograph (**Figure 10**).

4.4 Assessment of historic landscape features and survival

4.4.1 Evidence from the historic maps, modern mapping and aerial/Lidar data have been studied to identify the main phases of historic landscape development at the study site, which were then ground-truthed during the walkover survey.

- 4.4.2 In terms of historic field boundaries and land divisions, as can be seen by comparing both the 1822 map and the 1843 Tithe map with the present day landscape, the historic landscape at the study site exhibits considerable time depth and coherence, with no historic boundary loss and the survival on site of various historic landscape features pre-dating 1845, including hedgerows, mature trees, ponds (most likely resulting from former marl pits), drains and trackways.
- 4.4.3 **Figure 19** presents the historic landscape features as recorded on the 1843 Tithe map, overlain on modern mapping. The sinuous nature of the majority of surviving planted hedgerows, which have substantial veteran oak trees in places, are suggestive of piecemeal assart enclosure from the 12th century onwards. The ponds are most likely former marl pits, which have largely silted up but are still wet, and are all located on the geological transition between the Wadhurst Clay mudstone deposits and the Tunbridge Wells sandstone which predominates in the northern part of the site (see **Figure 18**). The spread and existence of marl pits and the wavy boundaries suggests the study site was agricultural land and largely cleared of its woodland during the later medieval period, before being turned over to pasture during the post-medieval period.
- 4.4.4 The trackway crossing the southern part of the study site, as depicted on the Tithe and the earlier 1822 Adams map, survives in the site as a clear hollow depression, with the ground level in the fields to the north visibly higher. Former boundaries recorded on the Tithe, but now lost, are nonetheless visible on the ground.
- 4.4.5 **Figure 20** identifies additional features not recorded on historic mapping but visible on the Lidar data, some of which were ground-truthed and found to be extant during the site walkover survey. These include possible lynchets and depressions, the latter possibly the remnants of early marl pits or extraction sites. The majority of these lie within field parcels F8, F9, F10, F11 and F12 and are not proposed to be developed, but to instead be left as an area of country park and recreational facilities.
- 4.4.6 The remainder are possible archaeological features and may possibly represent a prehistoric or later coaxial field system, with possible enclosure(s): despite being potential sub-surface archaeological features, they still comprise a component of the historic landscape. In one area, in the northwest portion of the study site, there appears to be the sub-surface remains of a small area of ridge and furrow which was later truncated by a larger marl-pit (in field parcel F3). The former marl-pit is visible on the ground as a marshy depression with differing vegetation to the rest of the field. There are no above-ground remains visible of the possible enclosure or potential cultivation strips. These are potential archaeological features, but are considered to be of low, local significance (importance) and would not preclude development, subject to an agreed archaeological mitigation strategy.
- 4.4.7 Some of the curvilinear lines apparent on the Lidar are thought to be of likely geological origin and relate to the topography and landfall at the study site, and therefore have not been marked up on the map. .
- 4.4.8 **Figure 21** presents the surviving elements of the historic landscape overlain on the current proposed site layout, which demonstrates how the development has been sympathetic to its surrounding historic landscape context. Historic boundaries and ponds are retained, as is the area of upstanding ridge and

furrow in the western portion of the site, and are incorporated into the development, with the eastern part of the site proposed as a country park and recreational area.

Assessment of Significance

- 4.4.9 The significance of the historic landscape features which are present as above-ground features within the study site is summarised in table form below.
- 4.4.10 The features identified through analysis of the Lidar data and historic mapping suggest that the site comprises a multi-layered historic landscape of some considerable time depth and coherence, which may extend back to the prehistoric period. As a whole, it is likely to be of medium (regional) historic significance.
- 4.4.11 Possible below-ground remnants of earlier field division and cultivation might be present in field parcel F3, based on Lidar data. Their archaeological provenance is uncertain but are considered to be of low (local) to medium (regional) value as potential heritage assets. However, they are not considered to preclude development of this field parcel, subject to an appropriate archaeological mitigation strategy being in place. The majority of field parcels with possible archaeological evidence based on the Lidar results are not proposed for development, but to remain as a country park.

Feature	Period	Significance
Marl-pits/ponds	Medieval and post-medieval	Medium (Regional)
Historic boundaries	Medieval and post-medieval	High (Important under Hedgerow Regs)
Area of ridge and furrow	Post-medieval	Medium (Regional)
Trackway remnants	Medieval	Medium (Regional)
Historic footpaths	Post medieval	Low (local) to Medium (Regional)
Sub-surface field system	Prehistoric?; Medieval?	Low (local) to Medium (Regional)

- 4.4.12 Hedgerows, which would be defined as historic and therefore 'Important', under the terms of the Hedgerow Regulations, are present within the study site. The historic field boundaries within the site comprise undesignated heritage assets of local significance.

5 PROPOSED DEVELOPMENT & ITS RELATIONSHIP TO THE HISTORIC LANDSCAPE

Proposed Development

- 5.1 Proposals involve the redevelopment of the western part of the study site into a residential scheme, with the eastern portion to be a country park and recreational/amenity space with sports pitches.
- 5.2 The proposed scheme comprises a hybrid application – which is part outline and part detailed. The outline element is for the development of up to 250 residential dwellings (40% affordable) including the creation of access points from Appledore Road and Woodchurch Road and the creation of a network of roads, footways and cycleways through the site. There will also be the provision of open space including children’s play areas, community orchards, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site, with all matters reserved other than access. The detailed element is the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with a pavilion to serve the proposal and the surrounding area. This element of the hybrid application includes matters relating to accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping..
- 5.3 The development scheme has sought to minimise the impact to the historic landscape, as can be seen on **Figure 21**, through a combination of retention and avoidance, and sympathetic development at a scale and grain which will fit comfortably into its surroundings.

Review of Potential Development Impacts on upstanding historic landscape features

- 5.4 In terms of upstanding heritage assets, the most sensitive receptors to the proposed scheme comprise the likely medieval trackway within the southern portion of the site and the historic field boundaries, which survive largely intact as planted banks and ditches, with numerous mature and three veteran trees, predominantly oak. Development has been set back from the trackway to ensure its preservation and legibility in the landscape.
- 5.5 The former marl-pits, which are now characterised in the present landscape as a series of ponds with surrounding vegetation, are also sensitive, and may date back to the medieval period. The historic field boundaries are wavy and sinuous yet respect these pits/ponds and the overall historic landscape character suggests the historic landscape features within the study site emerged as a result of piecemeal enclosure during the medieval period, beginning with the assarting of woodland and the creation of marl-pits to fertilise the land as it gave way to pasture for sheep, supporting the burgeoning cloth industry in Tenterden during the 12th to the 15th centuries. These historic boundaries have all been preserved within the proposed site layout.
- 5.6 The area of visibly upstanding ridge and furrow in the western portion of the study site (parcel F1) is also a sensitive receptor, but historic map evidence suggests this may be an area of post-medieval/modern orchard associated with the former Eastgate mansion (now Grade II listed Stace House). This area is not being developed, and will be left in situ.

- 5.7 The area of potential cultivation and enclosure in parcel F3 is included in the development: these features are visible on the Lidar data only with no above-ground indications, and are potential below-ground archaeological features of possible low to medium significance. This should not preclude development in this area, subject to an agreed archaeological mitigation strategy.
- 5.8 The area of the gallows green has been identified as lying outside of the site boundary, and has been built over by ribbon development fronting onto Appledore Road dating from the 1930s onwards. It is not a sensitive receptor to the scheme.
- 5.9 The proposed development (as shown on **Figure 21**) respects the historic boundaries, trackway, area of upstanding ridge and furrow and former marl-pits/ponds, and seeks to preserve these features within the proposed site layout.

Review of Potential Development Impacts on below-ground historic landscape features

- 5.10 From at least the 16th century onwards, if not earlier, the study site was largely agricultural pasture land associated with the Eastgate estate, with the exception of the two fields to the south of the trackway, which were instead arable fields belonging to Place Farm to the west of the site, located on the opposite side of the Appledore Road.
- 5.11 There is considered to be a low-moderate archaeological potential for the remnants of a prehistoric or Romano-British coaxial field system within the site, particularly within the northern portion of the development area, as identified on the Lidar mapping (see **Figure 20**).
- 5.12 The southern portion of the study site (parcels F13 and F14) may also contain evidence of an earlier phase of landscape exploitation prior to the medieval period, but there has been a greater disturbance in these areas (e.g. within the two large arable fields), where ploughing is more likely to have truncated any archaeological deposits.
- 5.13 The development scheme has sought to minimise the impact to any below-ground historic landscape remains by leaving the most sensitive area of the study site as amenity/recreational space and a country park. However, there is some development proposed within F3, which may be archaeologically sensitive.
- 5.14 Should archaeological remains be present within the study site, any groundworks associated with the proposed development will have a major adverse impact on these. Such impacts can, however, be mitigated through an agreed programme of archaeological investigation, monitoring and recording.

6 SUMMARY AND CONCLUSIONS

- 6.1 The presence of 'Important' hedgerows and other historic landscape features should not preclude development. The development proposals preserve, where possible, the hedgerows themselves and the boundaries they represent, physically or in design, and have applied the same principle to other historic landscape features identified in the assessment. The development scheme has sought to minimise the impact to the historic landscape through a combination of retention and avoidance, and sympathetic development at a scale and grain which will fit comfortably into its surroundings.
- 6.2 The historic landscape character of the site is one exhibiting considerable time depth and coherence, with no historic boundary loss and the survival on site of various historic landscape features pre-dating 1845, including hedgerows, mature trees, ponds and trackways. The area of the actual Gallows Green, which also gave its name to a group of cottages and two fields as recorded in the Tithe, has been identified as lying outside of the study site in the area alongside the present Appledore Road, and will not be impacted by the proposed scheme. Gallows Green, and the likely site of the gallows themselves, has already been redeveloped for housing.
- 6.3 Field names recorded within the Tithe Apportionment and names of important figures associated with the site could be included within the scheme as a nod to its historic past. An outline landscape management plan is being submitted as part of the application to provide a framework for how the historic woodland and other landscape features are to be managed for the future.

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The National Archive

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Cartographic

1769 Andrews and Drury Map

1822 John Adams Map

1843 Tenterden Tithe Map

1870 Ordnance Survey Map

1899 Ordnance Survey Map

1938 Ordnance Survey Map

1940 Aerial Photograph

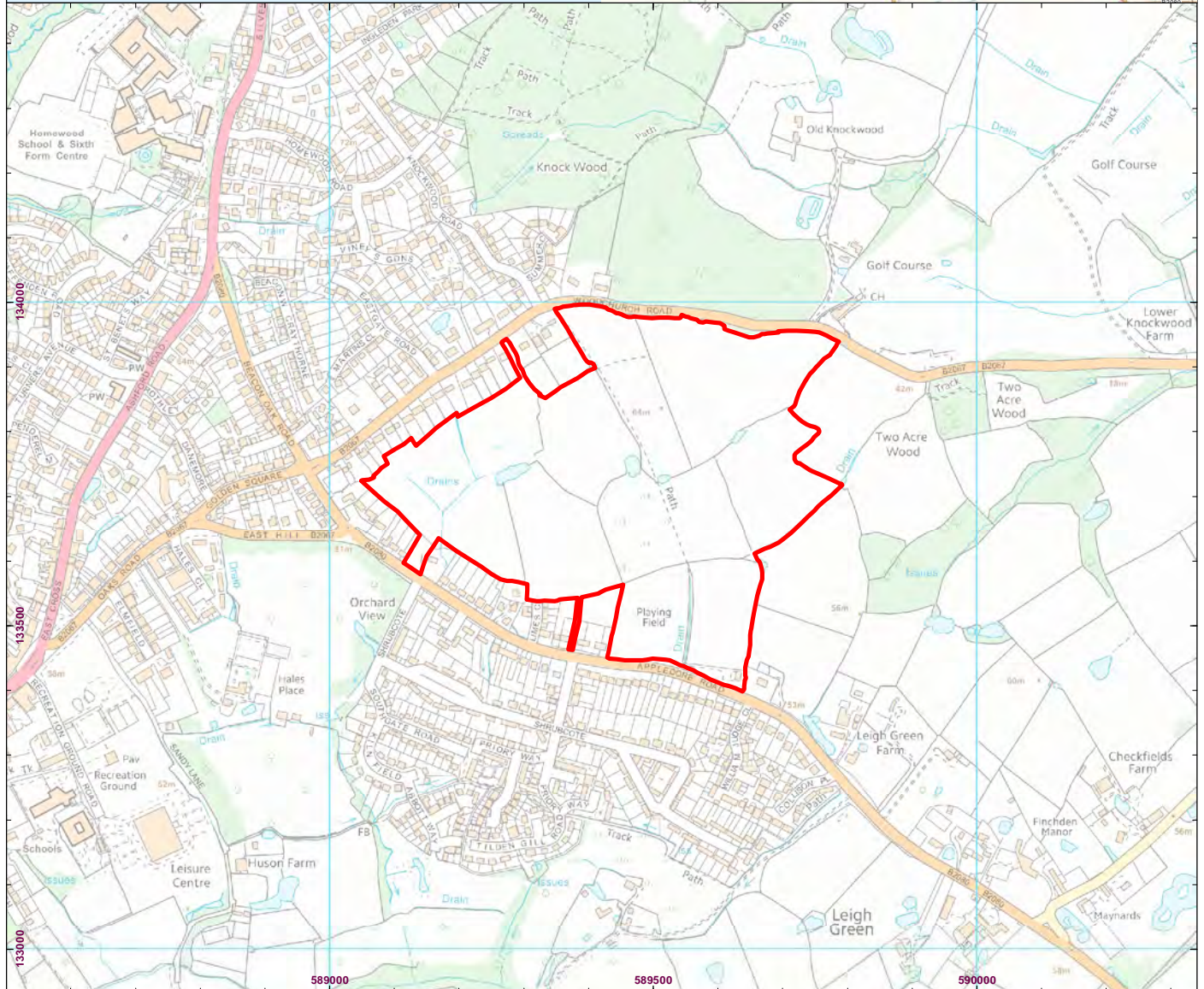
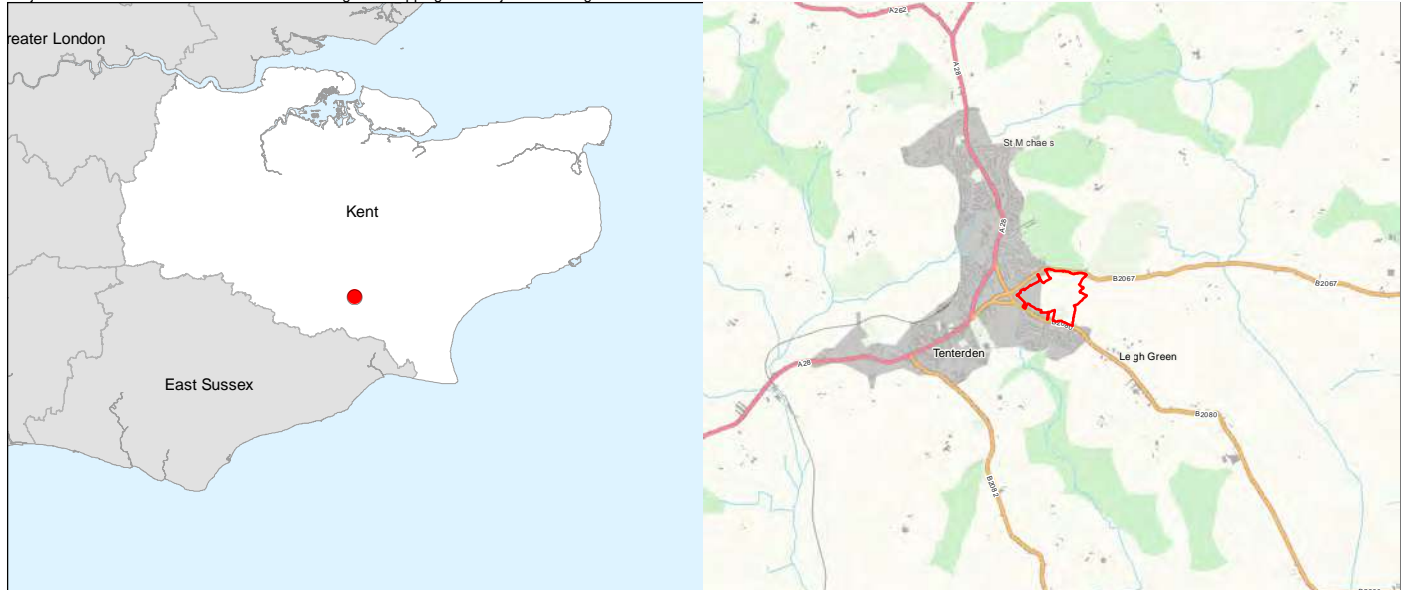
1960 Aerial Photograph

1961 Ordnance Survey Map

1981 Ordnance Survey Map

1990 Aerial Photograph

2015 Aerial Photograph



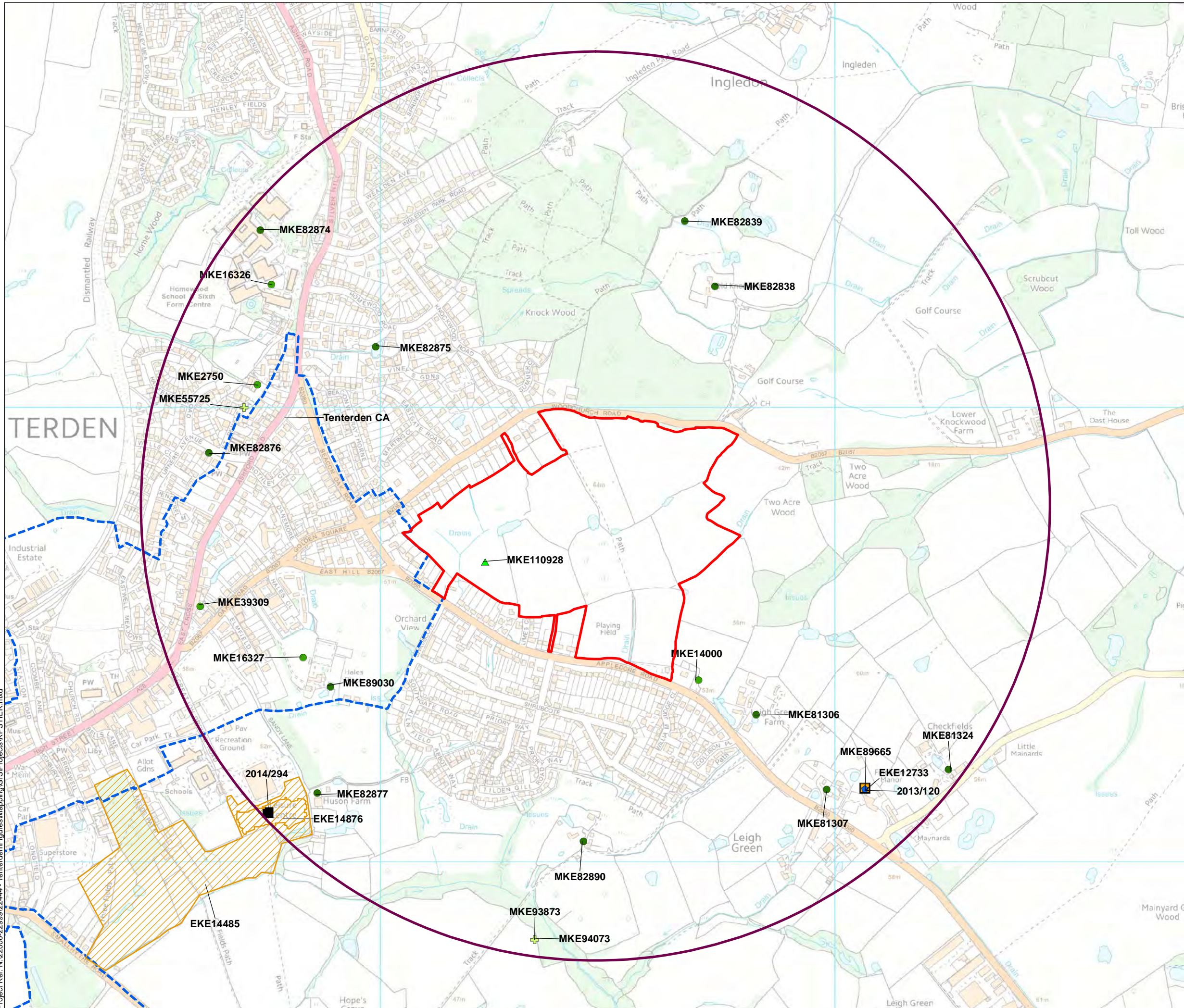
 Site Boundary



0 100 200 300m
Scale at A4: 1:10,000



Figure 1
Site Location



Legend

- ▲ Landscape
- Site Boundary
- Search Radius 1km
- Designated Heritage Assets:**
- Conservation Area
- Non-designated Heritage Assets:**
- HER Record (Point)**
- ◆ Historic Building
- Farmstead
- + Find Spot
- Monument
- Previous Archaeological Work:**
- Report Record (Point)
- Event Record (Point)
- Event Record (Polygon)

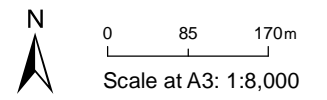
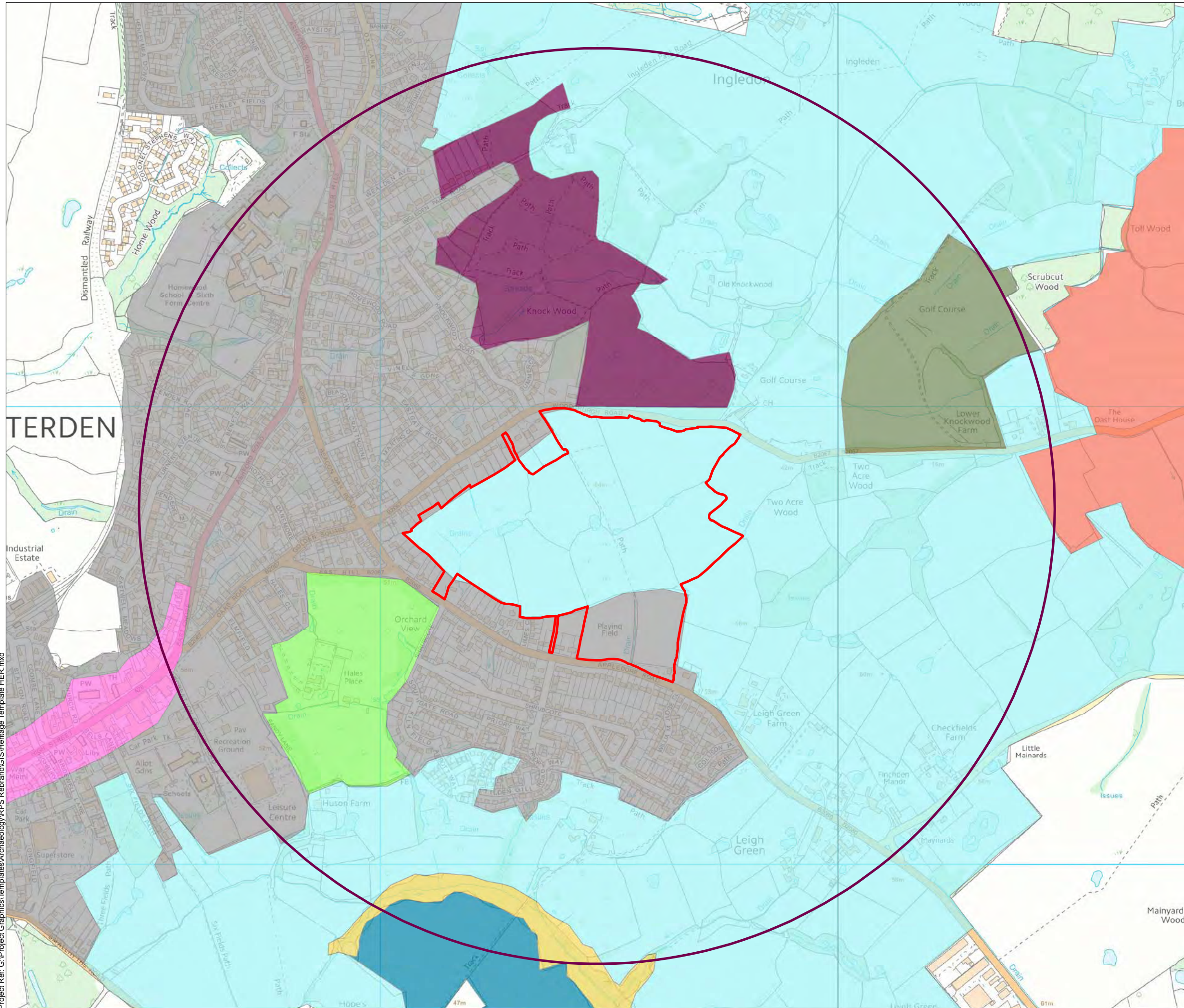


Figure 2

HER Plot

Project Ref: N:\22000-22999\22444 - Tenterden\GIS\Projects\RPS HER.mxd



Legend

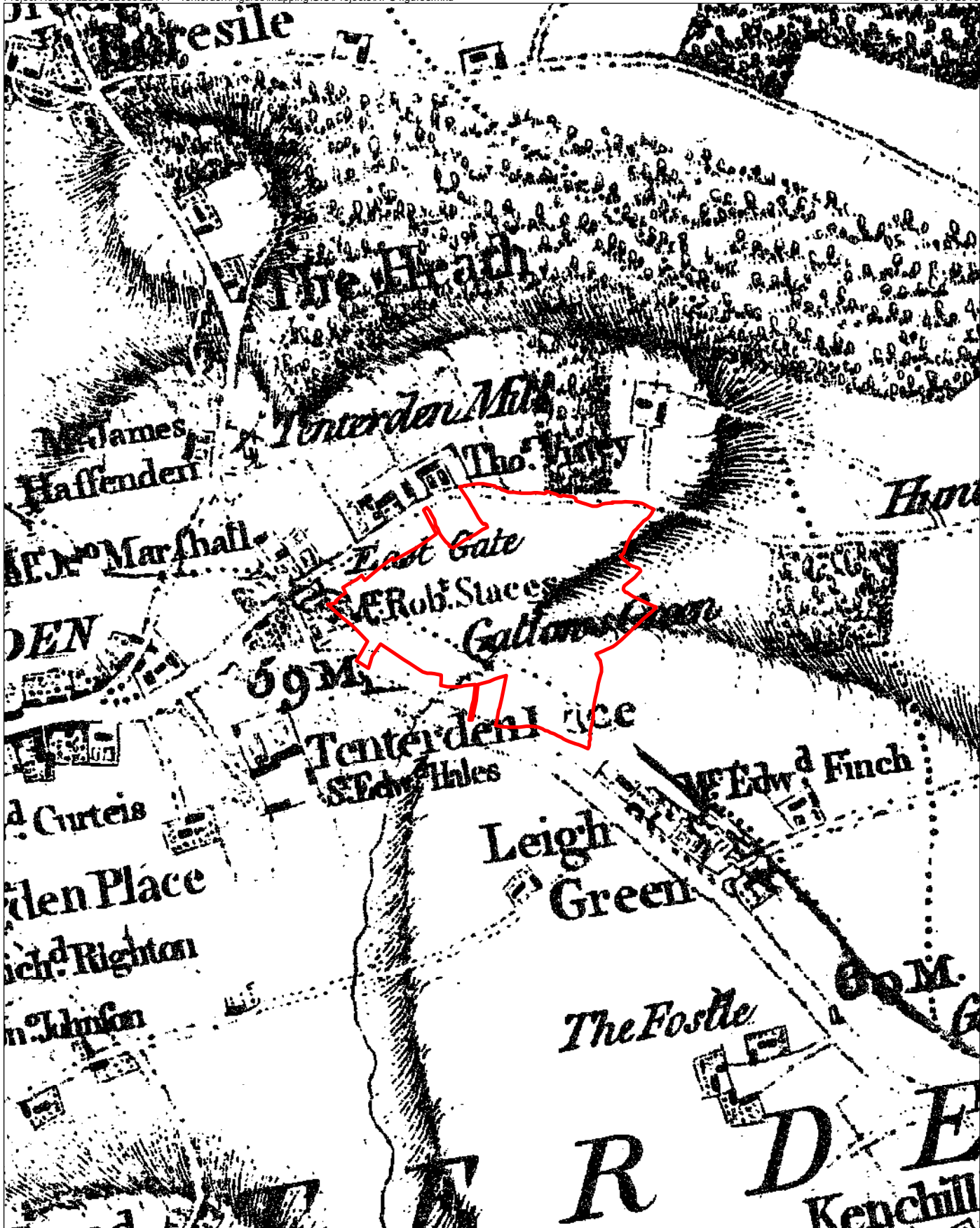
- Site Boundary
- Search Radius 1km
- Historic Landscape Characterisation:**
- Golf Courses
- Orchards
- Post 1810 settlement (general)
- Pre 19th century Coppices
- Pre-1810 scarp & steep valley-side woodland
- Rectilinear with wavy boundaries and ponds
- Small rectilinear with wavy boundaries
- Small rectilinear with wavy boundaries and ponds
- Village/hamlet 1810 extent

N
 0 80 160m
 Scale at A3: 1:7,931



Figure 3
 Historic Landscape Characterisation

Project Ref: G:\Project Graphics\Templates\Archaeology\VRPS Rebrand\GIS\Heritage Template HER.mxd



 Site Boundary

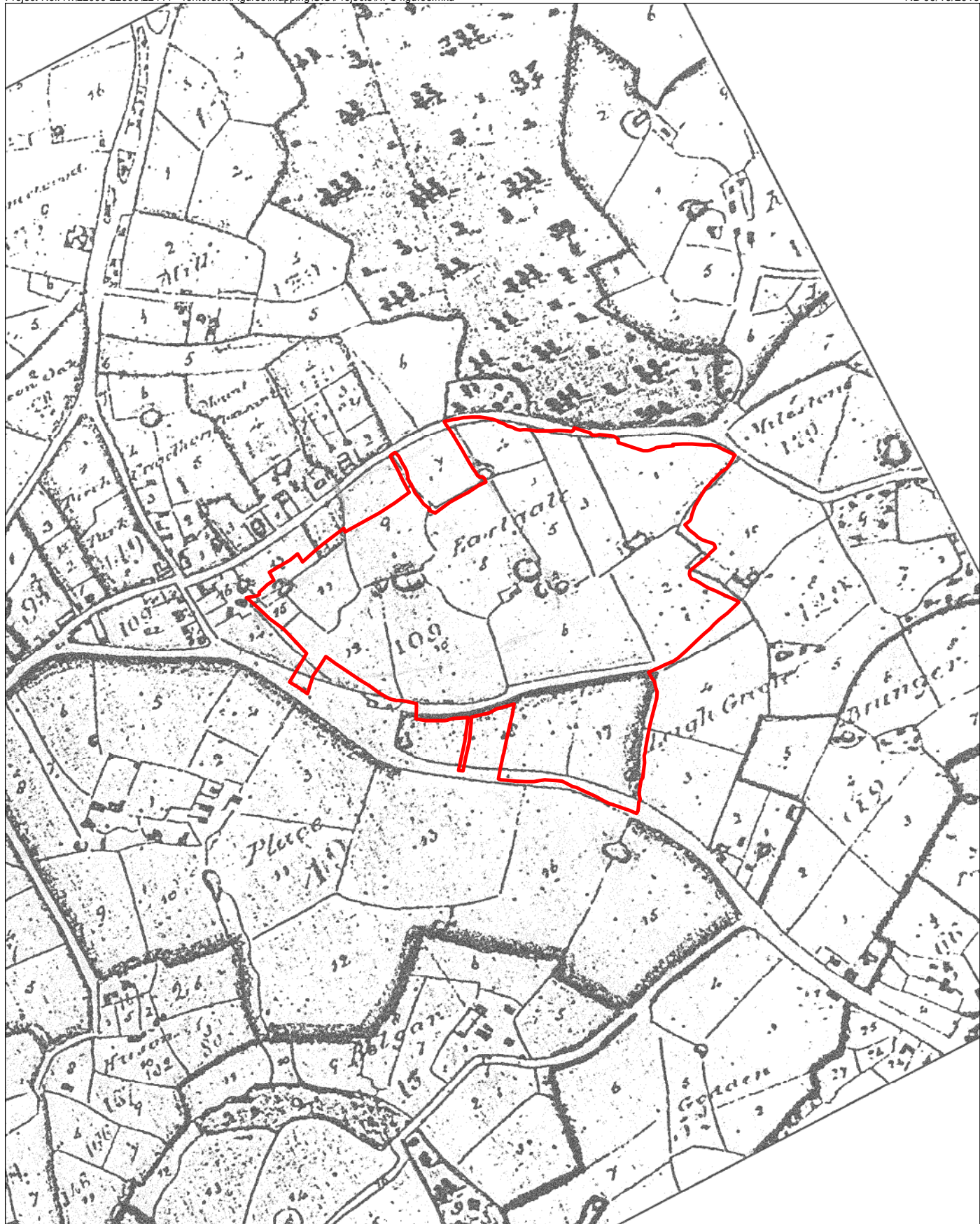


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Scale at A4: 1:12,000



Figure 4

1769 Andrews and Drury Map



 Site Boundary

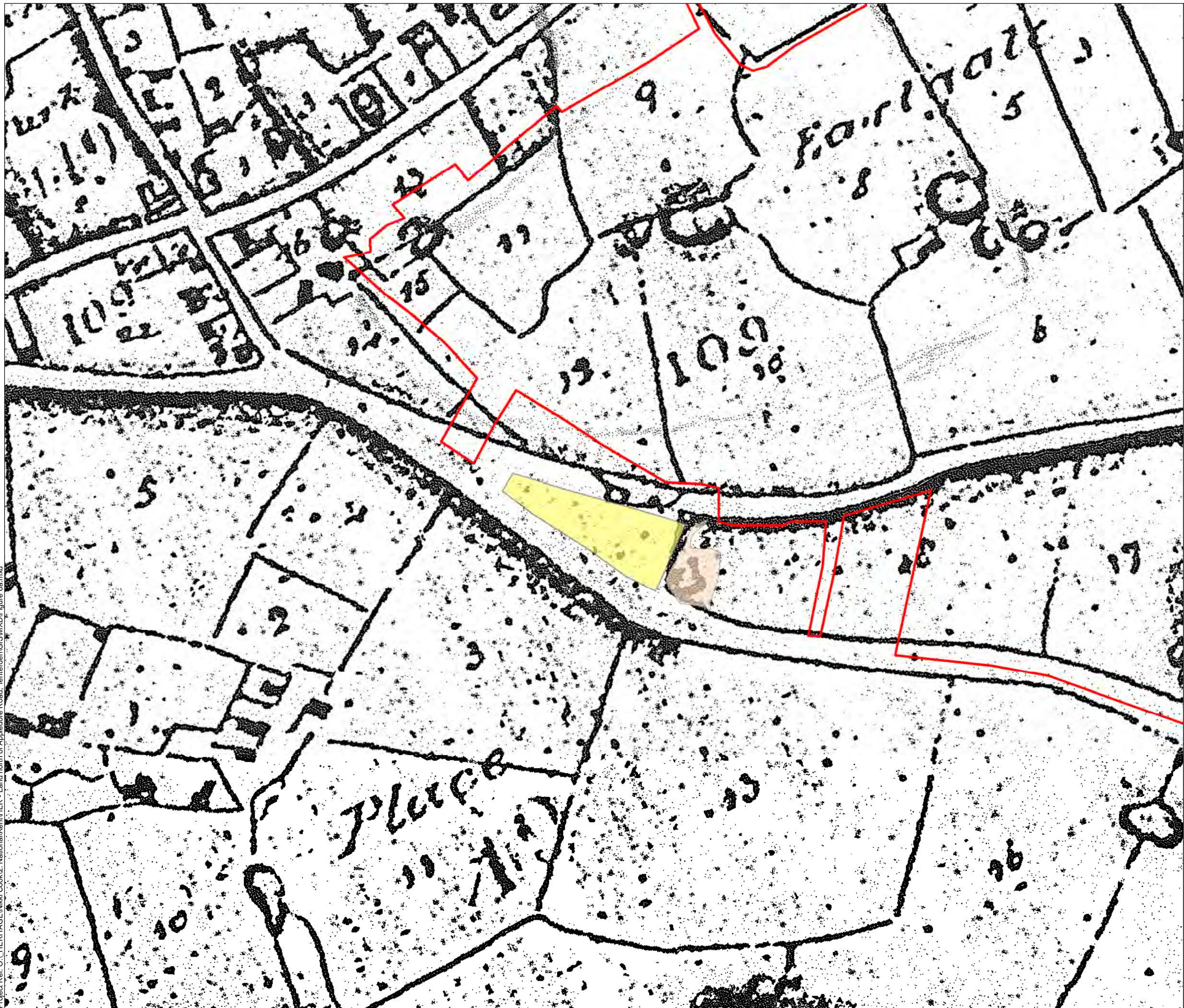


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Scale at A4: 1:8,000



Figure 5

1822 John Adams Map



Legend

- Possible gallows site
- gallows green area
- Site Boundary

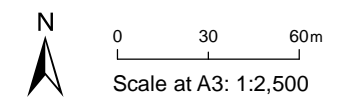


Figure 5a

1822 Adams map



Legend

- Surviving historic boundary features
- Possible gallows site
- gallows green area
- Site Boundary

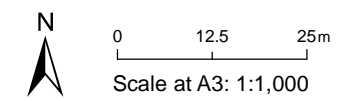
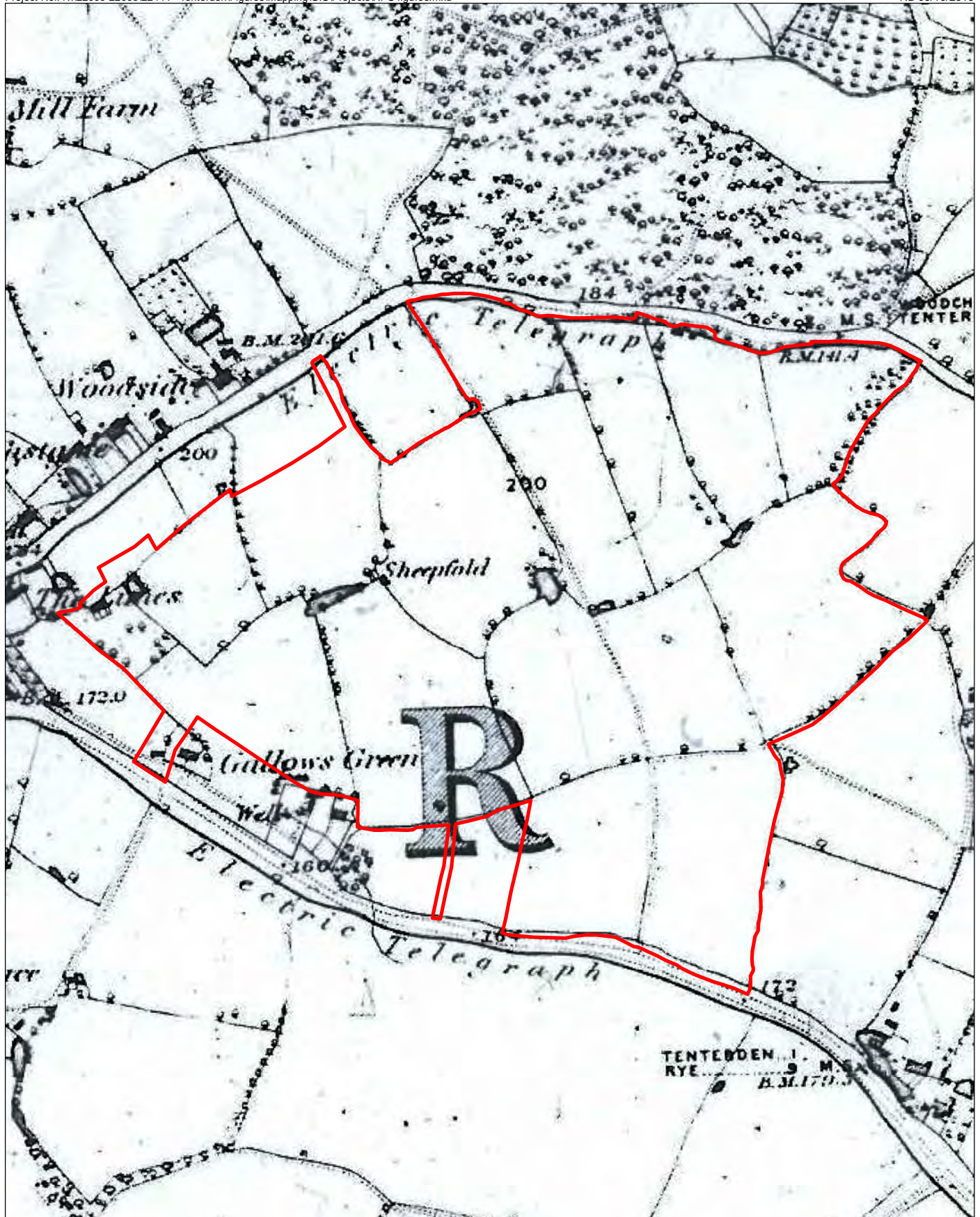


Figure 6a
1843 Tithe Map and Gallows Green



 Site Boundary

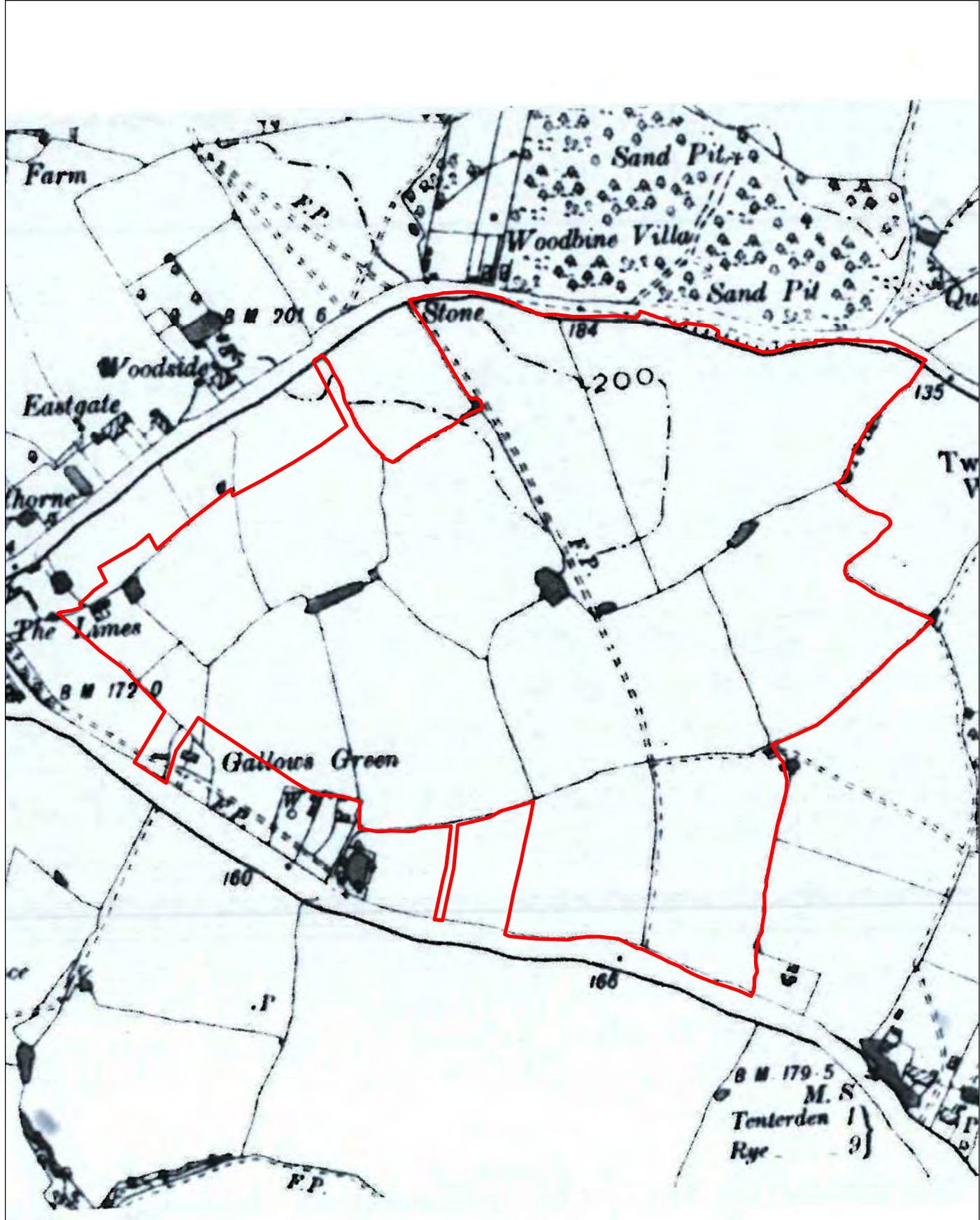


0 40 80 120m
Scale at A4: 1:4,500



Figure 7

1870 Ordnance Survey Map



 Site Boundary

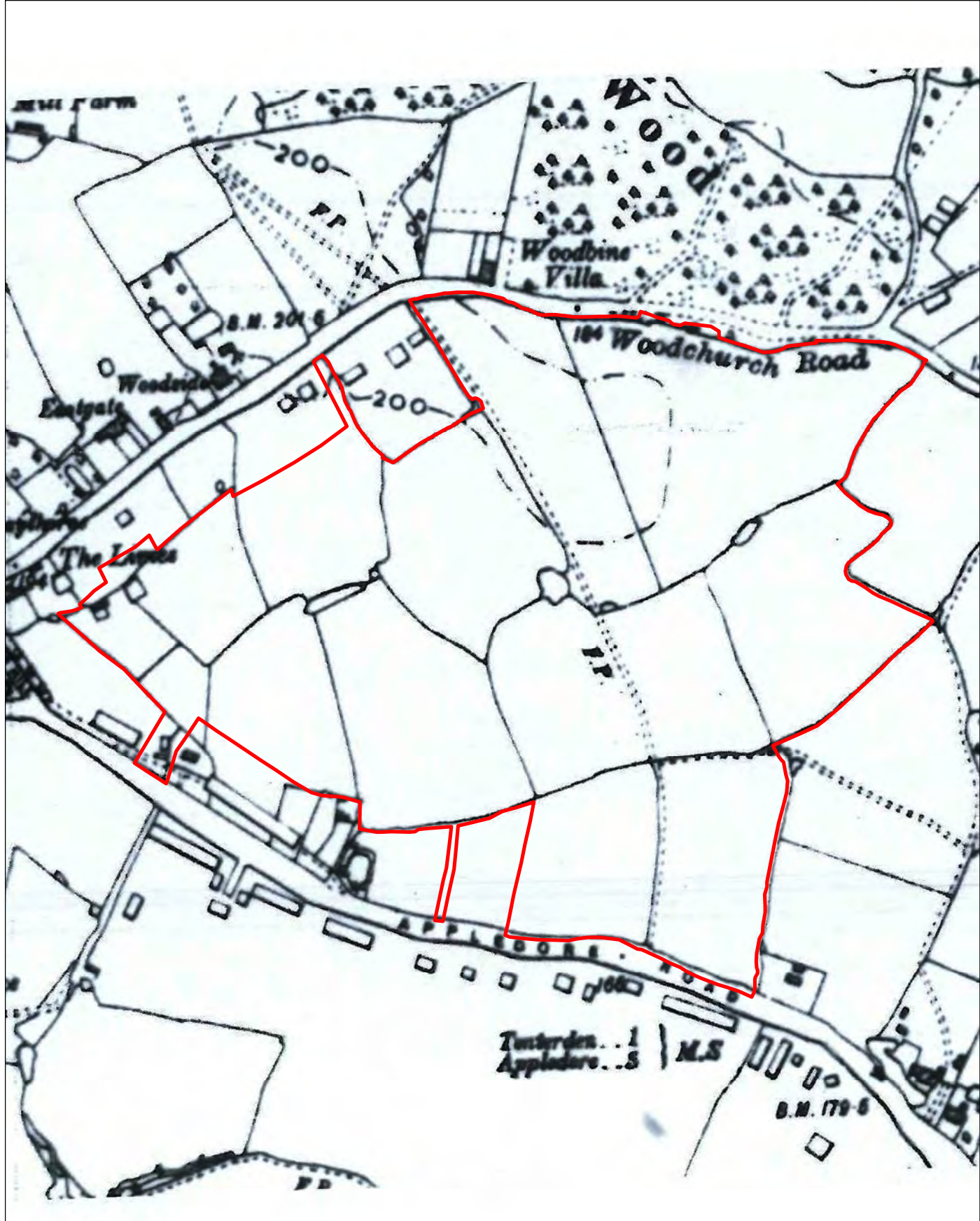


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Scale at A4: 1:4,500



Figure 8

1899 Ordnance Survey Map



 Site Boundary




0 40 80 120m
Scale at A4: 1:4,500



Figure 9

1938 Ordnance Survey Map



 Site Boundary



0 40 80 120m
Scale at A4: 1:4,500



Figure 10
1940 Aerial Photograph



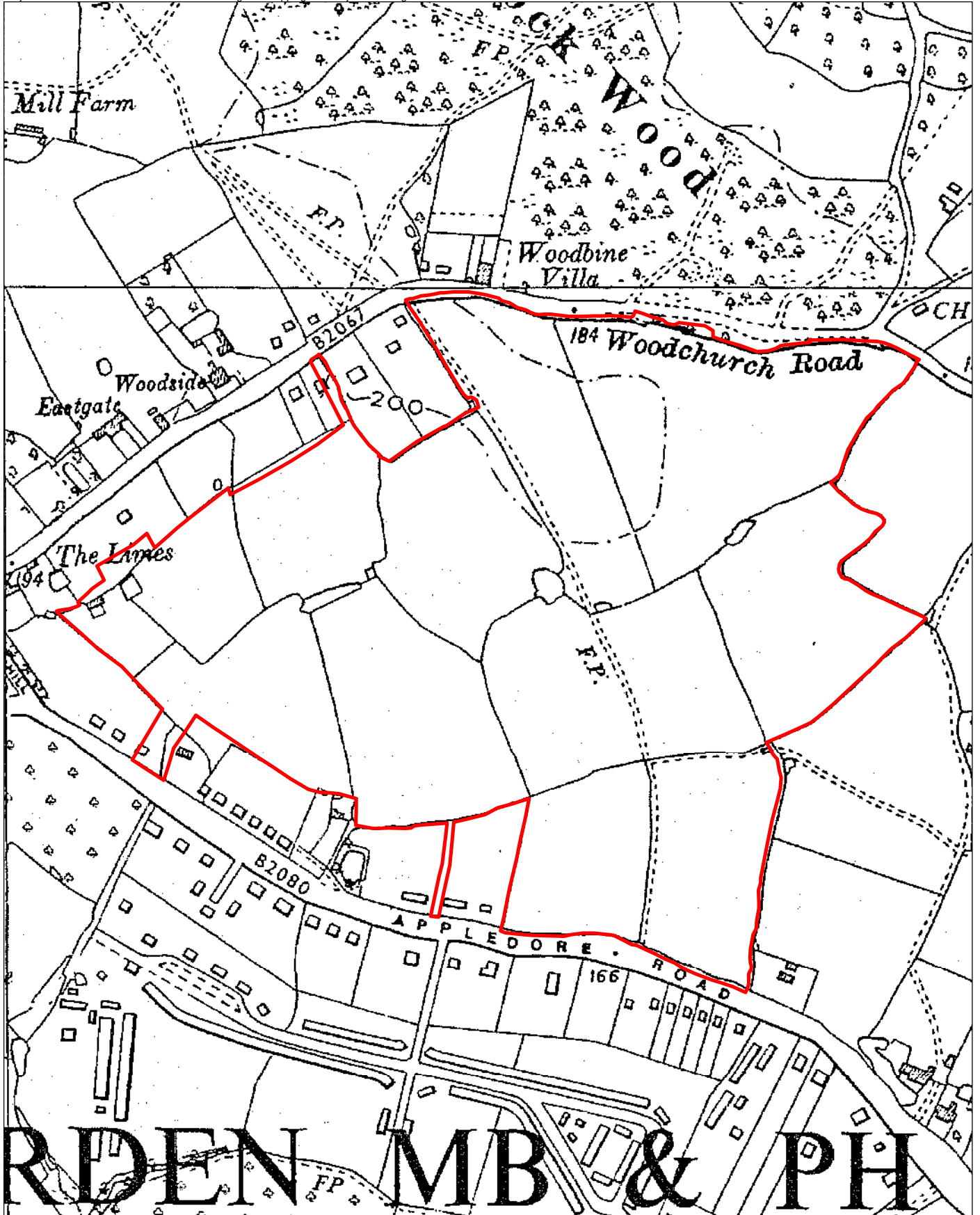
 Site Boundary



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Scale at A4: 1:4,500



Figure 11
1960 Aerial Photograph



 Site Boundary

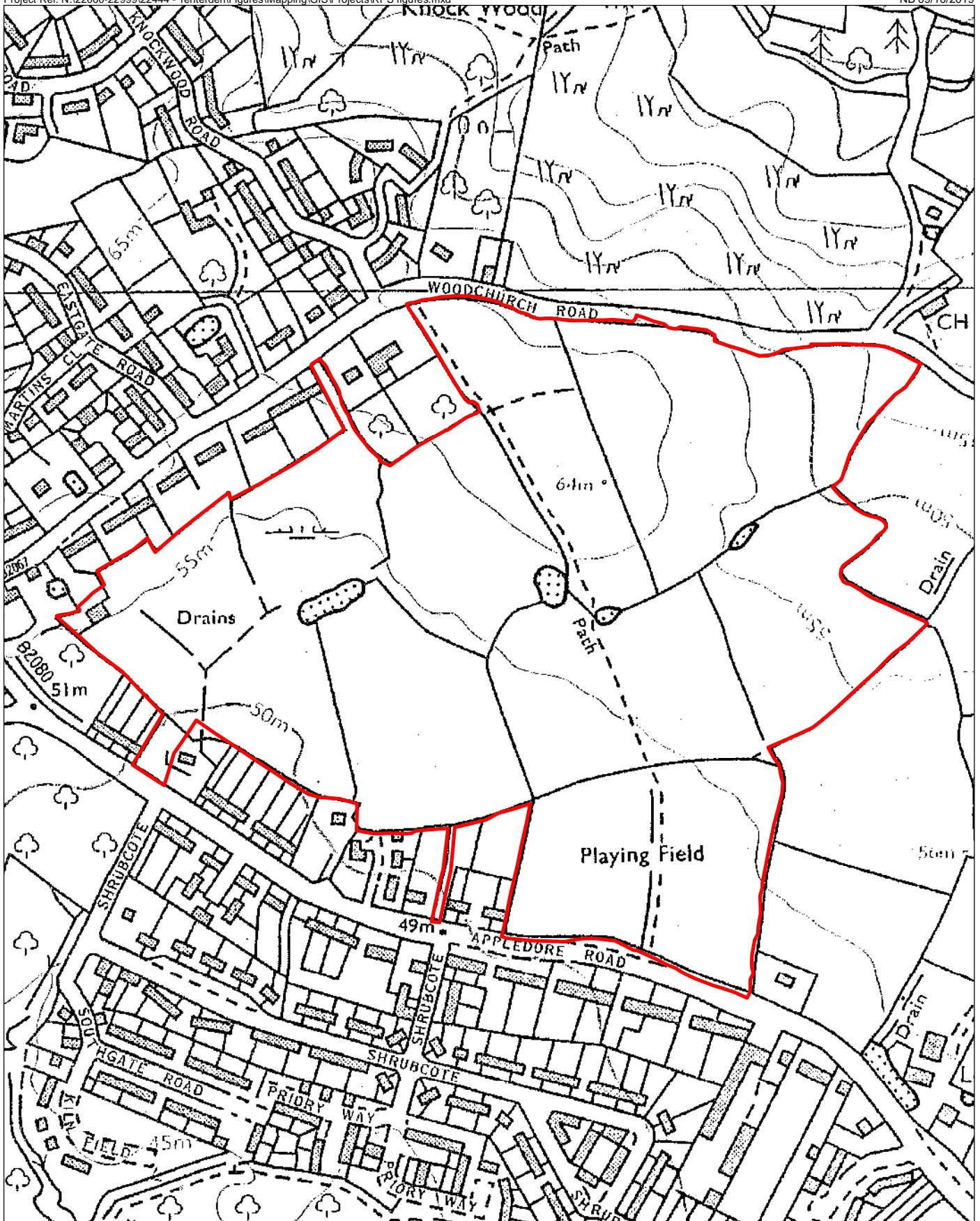


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Scale at A4: 1:4,500



Figure 12

1961 Ordnance Survey Map



Site Boundary



0 40 80 120m
Scale at A4: 1:4,500



Figure 13
1981 Ordnance Survey Map



 Site Boundary






0 40 80 120m
Scale at A4: 1:4,500



Figure 14
1990 Aerial Photograph



-  Site Boundary
-  Historic Hedgerow
-  Non-Historic Hedgerow




0 40 80 120m
Scale at A4: 1:4,500



Figure 15
2015 Aerial Photograph



Legend

 Site Boundary


LiDAR DATA

Source:
Environment Agency

Data Type: DSM

Resolution: 1m

Processing:
Single-direction Hillshade

 Direction
of Illumination


 N
0 50 100m
Scale at A3: 1:2,500




Figure 16

LiDAR Data Plot



Legend

 Site Boundary


LiDAR DATA

Source:
Environment Agency

Data Type: DSM

Resolution: 1m

Processing:
Single-direction Hillshade

 Direction
of Illumination


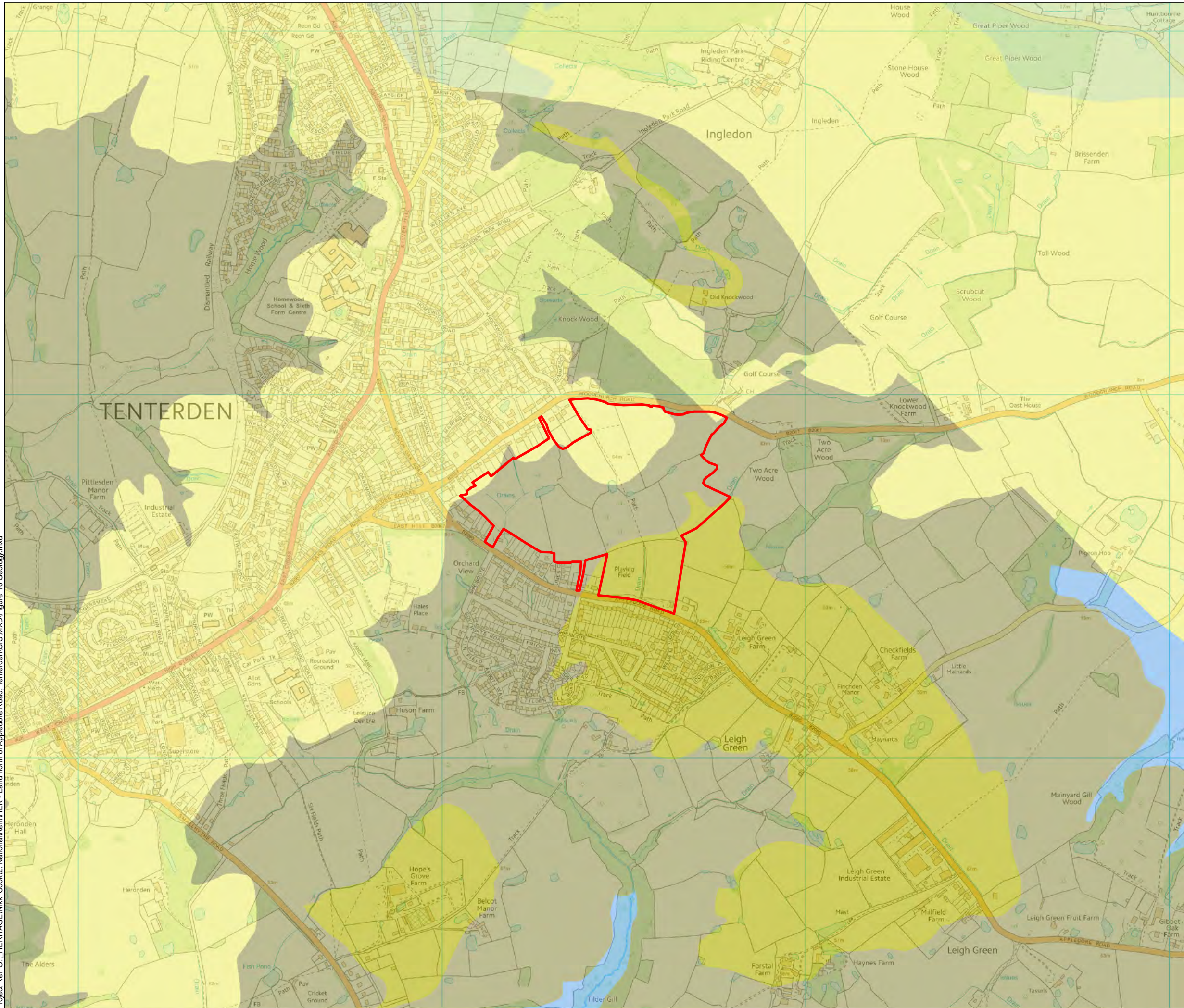
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Figure 17

LiDAR Data Plot



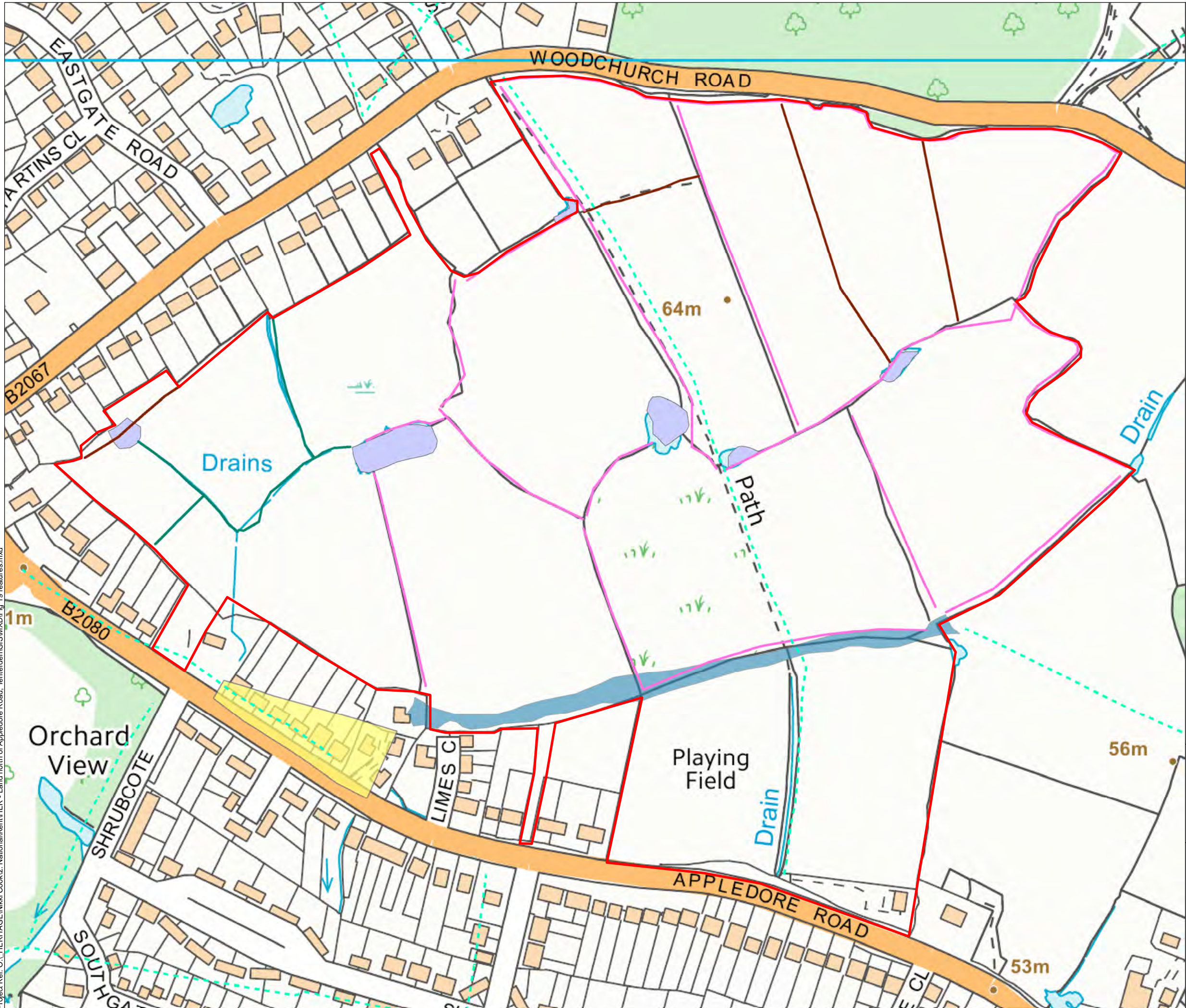
Legend

- Site Boundary
- Tunbridge Wells Sand - Sandstone and Siltstone
- Wadhurst Clay - Mudstone
- Wadhurst Clay - Sandstone

N
 0 125 250m
 Scale at A3: 1:10,000



Figure 18
 Bedrock geology at the site
 (from BGS 1:50,000 digital mapping))



Legend

- Site Boundary
- historic drainage divisions
- Tithe footpath
- Hedgerows
- gallows green area
- Lost boundaries
- Ponds
- Trackway on Tithe

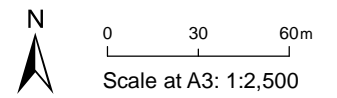


Figure 19
Historic landscape features

Project Ref: O:_HERITAGE\Nikki Cook\2. National\Kent\HER - Land north of Appledore Road - Tentarden\GIS\MXD\Fig 20 Lidar.mxd



Legend

Site Boundary

- Lidar linears
- Depression
- Ridge and furrow
- Possible ridge & furrow
- Enclosure?

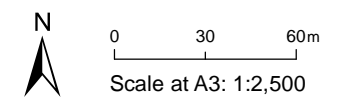


Figure 20

Historic landscape features identified from the Lidar data



Legend

- Site Boundary
- historic drainage divisions
- Tithe footpath
- Hedgerows
- gallows green area
- Ponds
- Trackway on Tithe
- Depression (old marl pit?)
- Ridge and furrow
- Possible ridge and furrow
- Enclosure?

REQUIREMENT
 56 (sports)
 4 spectators
 1 staff
 4 disabled spaces
 (65 Spaces in total required)

PROPOSED
 60 spaces in main car park (including 4 disabled spaces)
 10 spaces in over flow orchard area
 (70 total spaces)

Plus
 4 mic
 16 cycle

Plus
 4 mic
 16 cycle

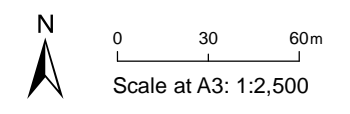


Figure 21
 Historic landscape features
 and proposed masterplan



rpsgroup.com