



Supplementary General Statement of Common Ground

Planning Inspectorate Reference: APP/U2235/W/24/3351435

Maidstone Borough Council Reference: 23/504471/OUT

Appeal by: Catesby Strategic Land Ltd & The Master Fellows & Scholars of the College of Saint John The Evangelist in the University Of Cambridge

Location: Land At Moat Road, Headcorn TN27 9NT

Proposal: Outline application (with all matters reserved except access) for the development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing non-listed farmstead buildings and dismantling/re-construction in situ of curtilage listed former Granary to form an ancillary building, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, emergency /pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).

Date of Inquiry: 26 February 2025

Signed:

A handwritten signature in black ink, appearing to be 'Charlie Collins'.

Charlie Collins (Savills) on behalf of the Appellants – 21st February 2025

Marion Geary

Marion Geary on behalf of Maidstone Borough Council – 21/02/25

1. INTRODUCTION

- 1.01 This Planning Balance Supplementary Statement of Common Ground ("SoCG") has been agreed between the Appellants (Catesby Strategic Land Ltd and The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge) and Maidstone Borough Council (MBC) as the local planning authority ("LPA"), (together "the Parties"), prior to the commencement of the public inquiry fixed to start on 26th February 2025.
- 1.02 In particular, new information related to heritage was forthcoming from the Appellants when proofs of evidence were exchanged on 29th January 2025. In addition, in the normal way, detailed discussions on planning conditions and S106 obligations have further advanced. The LPA re-assessed its position in the light of the new information and this SoCG formalises the positions of the Parties.

2. THE APPEAL

- 2.01 The Appellant lodged an appeal on 6 September 2024, pursuant to section 78 of the Town and Country Planning Act 1990 ("TCPA 1990") against the decision of the Council to refuse the Application ("the Appeal"). By the Application, the Appellant had sought planning permission for the following description of development ("the Appeal Scheme") at Land At Moat Road Headcorn ("the Appeal Site"). The Parties agreed to update the description of development in the Supplementary Heritage SoCG, 12th February 2025 (**ID 1.2**):

Outline application (with all matters reserved except access) for the development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing non-listed farmstead buildings and dismantling/re-construction in situ of curtilage listed former Granary to form an ancillary building, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, emergency /pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).

- 2.02 Explicitly, the reference to the demolition of a listed curtilage building is no longer proposed, now being a dismantling/re-construction in situ.

3. THE COUNCIL'S DECISION

- 3.01 The Council refused planning permission by decision notice dated 29 April 2024 (CD/4.1) for 6 reasons.
- 3.02 Due to the site allocation in the adopted LPR against which there was no successful Judicial Challenge, the Council withdrew the related Reason for Refusal in its Statement of Case (**CD5.2**). The SoC also updated and renumbered the remaining RfR as 1-5.
- 3.03 As detailed in the Planning General/Planning Matters SoCG (**CD5.8**), the Reason for Refusal related to publicly accessible Open Space was withdrawn following agreement made on 28 January 2025 between the Parties on a suggested planning condition and an agreed financial contribution for off site Sports provision.
- 3.04 As detailed in the Planning General / Planning Matters SoCG (**CD5.8**), the Reason for Refusal related to Education can be resolved through a planning obligation, the precise wording was agreed in principle by the Parties and Kent County Council on 12 February 2025.
- 3.05 As detailed in the Addendum Statement of Common Ground (**ID1.2**), the heritage reason for Refusal has been withdrawn following the receipt on 29 January 2025 of the detailed "*Methodology for Repair and Reconstruction*" by James Clague Architects provided by the Appellant via the appeal process and attached to the Heritage Proof of Evidence. This allowed for the agreed change to the description referred to above and allowed for new agreed conditions securing the detailed implementation of the Clague Methodology.

4. COMMON GROUND

- 4.01 As is good practice and encouraged by the Planning Inspectorate, the Parties have liaised on reducing the areas of uncommon ground by a change in description to remove explicit reference to "demolition of a listed building" and agreeing several conditions and successful negotiation of a s106 agreement.
- 4.02 In terms of landscape impact and highways/Active Travel, there is factually, a difference in the evidence prepared by the Parties, and conclusions therein. In the context of achieving wider common ground and in the light of its review of the overall planning balance, the LPA considers the differences in the Parties evidence are not of a sufficient magnitude to maintain reasons for refusal 1 & 4. The LPA no longer wishes to pursue its evidence on, and hereby withdraws, reasons for refusal on landscape and highways.

4.03 Subject to satisfactory conditions and the completion of a S106 Agreement, the Parties are therefore agreed that planning permission should be granted.

5. BENEFITS OF THE PROPOSED DEVELOPMENT

5.01 The Council acknowledges that the Proposed Development, if allowed, would give rise to planning benefits. These include:

- up to 115 new homes;
- 40% affordable housing provision;
- the provision of economic benefits in terms of construction jobs and local spend;
- the provision of a social benefit of public on-site open space and play areas

5.02 The Council has reassessed the overall weight of these benefits in the light of the reduced harm from the development with the removal of 4 of the reasons for refusal as described above, previously mutually agreed between the Parties.

5.03 The Council has also taken into account the national policy context being set by the current Government particularly in terms of the importance placed on the provision of housing and affordable housing. The Appellant has summarised the previous weighting to the various planning benefits in the Rebuttal prepared by Mr Collins (**ID3.1**). To assist the Inspector, the Parties now agree the following benefits / weighting, with differences noted.

Benefit	Appellant Weight	LPA Weight
Provision of housing as part of the Council's Local Development Plan for meeting their identified housing need	Substantial	Moderate
Provision of affordable housing	Substantial	Significant
Dismantling/re-construction in situ of curtilage listed former Granary to form an ancillary building	Substantial	Substantial
Provision of public open space including children's play area, community garden and contribution towards sports	Moderate	Limited
Protection of important landscaping features include TPO, mature trees and hedgerows;	Moderate	Limited
Ecological enhancements including the delivery 90.18% net gain in area habitats and 20% net gain in hedgerows with regards to BNG	Moderate	Moderate
Contributions to education provision	Moderate	Limited
Contribution towards improvements to the Public Right of Way network in terms of stile replacement, clearance, new signage.	Moderate	Limited
Recording and preservation of Royal Observer Corps Station	Moderate	Moderate
Archaeological recording of The Moat Farm complex	Moderate	Limited

5.04 The difference between the above and Planning General/Planning Matters SoCG (**CD5.8**) is that the *"replacement building incorporating existing fabric of the Granary to be used as a shelter within open space"* is amended to *"Dismantling/re-construction in situ of curtilage listed former Granary to form an ancillary building"*.. It is therefore now jointly agreed to be a substantial heritage and planning benefit rather than, on the Appellant's evidence, a significant benefit and, on the LPA's evidence, a substantial heritage and planning harm.

6. HARMS OF THE APPEAL SCHEME

6.01 The Council remains of the view that there are harms to landscape and highways including active travel. It acknowledges that there is scope for some of these harms to be mitigated by appropriate condition/ S106 obligation or by being adequately addressed at the Reserved Matters stage. Therefore, in the particular circumstances of this case and its revised planning balance, the LPA has concluded that the harms are no longer of a level to warrant being reasons for refusal.

7. CONCLUSION ON THE PLANNING BALANCE

7.01 In addition to being a Grade II heritage asset in its own right, the Granary by reason of its historic agricultural use has significance because it forms part of the setting of Grade II listed Moat House due to an historic functional link. The appeal scheme no longer proposes the total loss of this listed building so there is no longer substantial heritage harm which would have been contrary to NPPF para. 207, 213 and 214.

7.02 In applying the heritage/planning balance required by para 214 of the NPPF, there are now considered to be substantial public benefits from a careful dismantling and repair in situ to an acceptable methodology as devised by a firm of specialist architects.

7.03 The Council is now satisfied with the approach to be adopted by the Appellants in relation to the curtilage listed building, which was submitted at exchange of proofs of evidence.

7.04 What the Council viewed as a substantial harm has now been amended through the appeal process into a substantial benefit.

7.05 In the light of the significant change in planning and heritage benefits and harm, the LPA has re-considered the overall planning balance in relation to the appeal proposals. Whilst the LPA still considers there to be harms, its overall position is that the benefits now outweigh the harms and therefore the material considerations in this case now indicate that planning permission should be granted.

8. OVERALL UPDATED POSITION

- 8.01 The LPA has reconsidered the 'planning balance' and its position and will not defend any of the reasons for refusal at the Public Inquiry. It follows that the LPA considers (on balance) subject to S106/conditions that planning permission should be granted.
- 8.02 The LPA will not call evidence at the Inquiry but will engage at the Inquiry on conditions and the S106 legal agreement. At the request of the Inspector, the LPA's witnesses in relation to landscape and highways will be made available to assist the Inquiry. However, they will not be giving evidence to support any of the original reasons for refusal on the basis that all reasons for refusal have been withdrawn.
- 8.03 The Appellant will call its evidence at the Inquiry to satisfy the Inspector that consent should be granted. Such evidence will not be cross examined by the LPA unless it goes to a contested matter in the conditions or S106.
- 8.04 Neither party will make an application for costs.