

Land South of Moat Road, Headcorn

Maidstone Borough Council

Public Inquiry

Proof of Evidence of:

Janice Gooch FRSA MA MSc CHE IHBC

Principal Conservation Officer

(Heritage, Landscape and Trees)

Appeal against refusal of:

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 buildings, 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, provision of shelter to replace curtilage listed building, emergency/pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).

PINS Reference: APP/U20035/W/24/3351435

LPA Reference: 23/504471/OUT

Date/Revision: 20/01/25 – DRAFT

1 Introduction

1.1 About the Witness

1.1.1 I am Janice Gooch FRSA MA MSc CHE IHBC, Principal Conservation Officer (Heritage, Landscape and Trees) at Maidstone Borough Council.

1.1.2 I am a full member of the IHBC and have a Master's degree in Conservation of the Historic Environment and a Master's degree in Historic Interiors and Decorative Arts.

1.1.3 I have over 20 years' experience of working with listed buildings and heritage assets. Starting as a Building Surveyor (former Assoc RICS Accredited), I moved to working as a Conservation Officer, initially in 2011 for Cherwell District Council for two years. I worked as a freelance Heritage Consultant between 2016 – 2022, prior to being employed by Maidstone Borough Council.

1.2 Involvement with the Case

1.2.1 I am involved with this case as an expert witness on behalf of Maidstone Borough Council. My evidence is confined to heritage issues, such as understanding the significance of, and impact of the proposals upon, the surrounding heritage assets. I will also refer to archaeological advice from Kent County Council's Heritage Officer.

1.2.2 I have been involved with this site since the initial consultation on the former application (22/505616/OUT - Withdrawn). My involvement with the site continued with the revised application (23/504471/OUT) which is subject to this Appeal.

1.2.3 I have also been involved with the associated Listed Building Consent Application (23/505693/LBC - Refused) which is outside of this Appeal.

1.3 Scope of Evidence

1.3.1 The Case Officer's Report (CD/4.1) provided two reasons for refusal which had reference to heritage:

- Reason 1 – urbanising form on the setting of the CA through associated Highway requirements
- Reason 3 - demolition of a curtilage listed building.

1.3.2 The revised reasons for refusal regarding the loss of a designated heritage asset (Granary):

The demolition of the curtilage listed former Granary (Building 3) is contrary to the NPPF paragraphs 206(a) and 207, and policies LPRSP14(B) (parts 2 and 4) and LPRENV1 (parts 1 and 4) of the Maidstone Borough Local Plan Review 2024. There is substantial harm from loss of a heritage asset with no justification or mitigation for the loss with the absence of a satisfactory replacement structure that reuses any of the materials from Building 3.

1.3.3 On 20.01.25, some 9 days before the exchange of proofs, I became aware that the appellant had commissioned James Clague Architects to propose a revised alternative for the former Granary (the Curtilage Listed Building) building with a methodology as follows:

- making structure structurally sound and weathertight,
- retaining as much historic fabric as is salvageable,
- new additions matched to the historic fabric to reconstruct its historic form.

1.3.4 No further details have been provided. Therefore, my proof will deal with the appeal proposal which includes the demolition of all buildings and provision of a shelter to replace the demolished curtilage listed building as indicated on drawings SKMP-01-Rev A5 (CD/1.2). The Council reserves its position in relation to any further details which may emerge and notes that re-consultation may be necessary.

1.3.5 The Heritage Statement of Common Ground (CD/5.5) provides a list of 5 items that are considered Matters of Dispute. In summary, these are:

- The articulation of level of harm,
- The 'Curtilage' Listed Granary,
- Failure to conserve/ enhance a heritage asset,
- Insufficient information,

- Public Benefits.

1.4 Structure of Evidence

The evidence is set out as below:

1. Site & Context – a brief background and planning history;
2. Summary of significance and setting;
3. Impact assessment of the proposed scheme in summary.
4. Matters in Dispute
5. Summary

2 Relevant Planning Policy and Guidance

2.1.1 In producing this proof of evidence, I have considered both national and local planning guidance.

2.1.2 I have considered the:

- Planning (Listed Buildings and Conservation Areas) Act 1990 9 (CD/10.13)
- National Planning Policy Framework (Dec 2024) – Section 16 (CD/10.1)
- Historic England guidance GPA3, The Setting of Heritage Assets 2nd edition (2017) (CD/14.2)
- Historic England guidance: Curtilage Listed - Advice Note 10 (CD/14.8)
- Historic environment Section of the Planning Policy Guidance (Gov.uk) (CD/14.9)
- BS 7913: 2013 Guide to the conservation of historic buildings (CD/10.14)
- LPRSP14(B): Historic Environment (CD/6.1)
- LPRENV1 (parts 1 and 4) (CD/6.1)
- Headcorn Neighbourhood Plan Policy 2: Siting, landscaping and protecting the natural and historic environment and setting. (CD/9.1)

3 Site and Context

3.1 Background and Planning History

3.1.1 The appeal site (the site) lies to the west of the historic core of Headcorn, on the north side of Moat Road.

3.1.2 The development proposal is for the demolition the existing farmstead and build a new residential development, complete with new vehicle access (Outline planning application).

3.1.3 The designated heritage assets which have the potential to be affected by the development are:

- The Moat (1060848) – Grade II
- The Granary (Curtilage Listed) – Grade II

3.1.4 Within the wider setting of the site are:

- Headcorn Conservation Area
- Headcorn Manor (1060835) Grade II*
- Church of St Peter and St Paul (1049057) Grade I
- 1 & 2 Moat Road (1187069) Grade II

3.2 Planning History

3.2.1 In terms of the application 22/505616/OUT, I originally had concerns over the loss of the farmstead, which I considered as being in the curtilage of providing a positive contribution to the setting of the listed former farmhouse (Moat House).

3.2.2 Assessing the farmstead, most of the buildings were post 1948 (albeit rebuilt on historic footprints) and therefore were not deemed to qualify as being curtilage listed. The Granary (Building 3) dates from pre-1948, and I therefore concluded it was curtilage listed.

3.2.3 The Appellant was made aware of the curtilage listed status of the Granary. A joint site visit was arranged for 15.03.24.

3.2.4 At the site visit, the proposal was discussed, and it was questioned why the Granary was to be demolished. I advised that the scheme should reconsider the proposed demolition of the Granary to allow for retention of the curtilage listed building, and if the Appellant considered that demolition was the only option, that clear and convincing justification should be provided as part of the application, and that an alternative use of the building could be undertaken. The Appellant at the site meeting suggested that it could be used as a shelter/ place of interpretation, complete with boards explaining the history of the site.

3.3 The Site and Heritage Assets

3.3.1 The proposed site lies to the west of the historic core of Headcorn, on the north side of Moat Road and runs along the back of Mill Bank, which are generally modern developments.

3.3.2 The curtilage listed heritage asset; the Granary lies within the appeal site. The other buildings on the site have been assessed. The remaining buildings are not considered to be curtilage listed due to being of modern construction, and therefore post-dating 1948. However, the farmstead has been recognised as having some significance due to the connection and associated use with The Moat (Moat Farmhouse) and contributing to the setting of the Granary.

3.4 Statement of Significance

3.4.1 Summary of Significance - Moat House

3.4.2 The Moat was listed in 1968 (revised 1986). The list description states:

Farmhouse, now house. Early to mid C16, restored 1960s. Timber framed. Ground floor red brick in stretcher bond, first floor tile-hung. Plain tile roof. Lobby entry plan. Probably 4 timber-framed bays including smoke, now stack, bay. 2 storeys, formerly with continuous jetty, returned to left. Hipped roof, with gablet to right. Brick ridge stack off-centre to left and truncated projecting brick stack to right gable end. Irregular fenestration of three 3 light casements. Tripartite sashes to ground floor. Panelled door with 2 top lights up 3 steps beneath stack. Open gabled timber porch. C18 or early C19 rear wing to left, ground floor red brick, first floor weatherboarded. Interior: only partly inspected. Exposed framing. Moulded beams and joists. Said to have crown post roof. Formerly a moated site.

3.4.3 The farmhouse is highly significant as a grade II listed building retaining early to mid-16th century fabric and is considered to possess both architectural and historic value in relation to its architectural appearance.

3.4.4 Summary of Significance – Granary

3.4.5 The Granary was formed in the late 1800s. It is raised on saddle stones, a few of which appear to have been replaced with concrete blocks, and was formed of good quality timber, with a slate roof covering. Whilst once common, many have been lost through redundancy due to their limited use in modern agricultural practice.

3.4.6 Situated next to the boundary line, the Granary is a large building, and forms a prominent visual reference to the former farmstead and acknowledges the importance of agriculture to the area of the Low Weald.

3.5 Impact Assessment

3.5.1 Contribution of setting to significance

3.5.2 Historic England guidance GPA3, *The Setting of Heritage Assets* 2nd edition (2017)

(CD/14.2), provides a best-practice methodology for identifying and assessing setting. The guidance states that: “Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance” (p.4, para. 9) and in identifying the extent to which the setting contributes to the significance of the heritage asset, the guidance recommends taking account of “the physical surroundings of the asset, including its relationship with other heritage assets; the asset’s intangible associations with its surroundings, and patterns of use” (p.10, para.26).

3.5.3 The HE guidance (CD/14.2) sets out a staged approach to the assessment of understanding the significance of setting:

- Identification of heritage assets and the extent of their settings.
- Assess whether, how and what degree the settings make a contribution to the significance of the heritage assets.
- Assess the effects of the proposed development, whether beneficial or harmful on the significance.
- Explore ways to maximise enhancement and avoid or minimise harm; and record the process.

3.5.4 The NPPF (CD/10.13) recognises that the setting of a designated heritage asset is ‘not fixed’ and that elements of a setting ‘may make a positive or negative contribution to the significance of an asset’ and that ‘significance’ derives not only from a heritage asset’s physical presence, or interest (archaeological, architectural, artistic, or historic), but also from its setting. (Definitions –pg.78).

3.6 Setting

3.6.1 Moat House

3.6.2 The setting of the Moat House, and its former farmstead, forms the start of the built form to Headcorn. The main house is partially screened by hedges, with a simple post and rail (modern) boundary treatment separating the main house, with the farmstead.

3.6.3 As shown on the historic OS maps, the Moat House and the associated farm buildings have historically been connected. The submitted Heritage and Archaeological Assessment (HAA – CD/1.11) (19/09/23) notes the separation of the buildings from The Moat House but has not acknowledged the reason for this separation is due to the moat and large pond.

3.6.4 The submitted HAA suggests that there is a visual separation due to the ‘heavy plant growth’. This plant growth to the front boundary of the main house contrasts with the more open setting of the agricultural land along Moat Road. However, there remains a visual connection between the former farmhouse and farmstead. In my view, plant growth that has occurred during the last 50 plus years does not eradicate the functional and historic link between the farm and its farmstead.

3.6.5 While it is agreed that much of the significance of the Moat House is derived by its historic fabric and form, in my view, the rural setting, and the position of the farm building, due to the moat, contributes to its setting.

3.7 Impact Assessment on the significance of Moat House & Granary

- 3.7.1 NPPF paragraph 212 states that, ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’
- 3.7.2 The BS7913:2013(CD/10.14) considers the assessment of significance to include ‘characteristics relating to the context of the historic building’, including how a historic building relates to its surroundings (such as other buildings, or wider environment), or how a historic building relates to similar buildings (para. 4.3b).
- 3.7.3 Whilst it could be acknowledged that the Granary (and the farmstead) does not provide a positive contribution to the setting of the house due to the hoardings and condition of the buildings, the Granary is deemed of significance to the area, and forms part of the significance of the Moat House through historic association and function. Therefore, it is essential in my view that the Granary be retained in situ, being a curtilage listed building with significant architectural character and historic interest and representative of the historic use of Moat House.
- 3.7.4 The demolition of the Granary will mean the total loss and understanding of this corner of the appeal site and will detrimentally change the relationship of the Grade II listed former farmhouse in its immediate setting and its historic functional connection with the agricultural buildings and land.

3.7.5 Impact Assessment on the significance on Headcorn Conservation Area

3.7.6 The proposed scheme would introduce an urban road layout to the junction of Moat Road, Mill Bank, Kings Road and North Street, which is located within the Headcorn Conservation Area. I consider that the introduction of kerbs, signage, and road markings would cause less than substantial harm to the character of the Conservation Area. However, it is acknowledged that it is inevitable to comply with the allocation policy LPRSA310 and has not, following adoption of the new local plan, formed a reason for refusal. These would be considered at the s278 stage, but are considered here as completeness for impact on the designated heritage asset of the proposed scheme.

3.7.7 Underground Monitoring Post

3.7.8 This was created by the Royal Observer Corps (ROC) and is located in the north-eastern section of the site. It is understood to have been constructed to a standard design to allow for detection of nuclear detonation. The submitted HAA¹ advises that of the 1,500+ that were constructed, approximately half have been lost.

3.7.9 Following guidance from KCC Archaeologist, this is the subject of agreement between the appellant and KCC Heritage and can form an agreed suggested condition in the event that the appeal is allowed.

¹ Pg 30

4 Matters in Dispute as set out in the Heritage SOCG (CD/5.5)

4.1 Articulate Scale of Harm

- 4.1.1 I disagree with the appellant in terms of Matters in Dispute (i) – ‘articulation a level of harm’.
- 4.1.2 The NPPF (para. 212) considers ‘potential harm’, and clarifies that this could be ‘substantial harm, total loss or less than substantial harm’, but offers no consideration to articulate a scale of harm within any of those 3 degrees of harm.
- 4.1.3 The NPPF continues to recognise harm as ‘substantial harm’ under paragraph 214 or ‘less than substantial harm’ under paragraph 215, and again, requires no articulation of a scale of harm.
- 4.1.4 Reviewing Appeals, where the Planning Inspector has identified ‘harm’, the level of harm has been assessed as either ‘substantial’ or ‘less than substantial’. No articulation as to scale of harm has been offered.
- 4.1.5 It is for these reasons that I have not offered a position on a sliding scale of harm.
- 4.1.6 I have identified harm and judge the level of harm as ‘substantial harm’ for the total loss via demolition of the Granary as per the appeal scheme. This allows consideration of NPPF para. 213 & 214 when making undertaking the planning balance exercise.

4.1.7 The appellant’s heritage consultants Pegasus, within their HAA (CD/1.11), refer to the Historic Environment section of the Planning Practice Guidance (23.07.2019 – CD/14.9), which notes that where potential harm to a designated heritage assets is identified, it needs to be categorised as either less than substantial or substantial (which includes total loss) and clarifies that substantial harm is a ‘high test’, but that the ‘impact of total destruction is obvious’. (Para 018 Reference ID: 18a-018-20190723 – CD/14.9). Therefore, even if an articulated scale was considered acceptable, the ‘total destruction’ of the Granary would reach the high test required.

4.2 ‘Curtilage’ Listed

4.2.1 I disagree with the appellant in terms of Matters in Dispute (ii) as I have assessed the Granary as a Designated Heritage Asset’ for the following reasons:

4.2.2 My view is that under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act – CD/10.13), s.1 (3) b clarifies:
‘the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.’

The Listed Buildings Act continues at s.1(5):

In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall, subject to subsection (5A)(a),] be treated as part of the building.’

4.2.3 The Granary was built pre-1948, and formed part of the curtilage of the former farmhouse when it was listed in 1968. Therefore, the Granary is deemed to be treated as ‘part of the building’ of the Moat and consequently recognised as Grade II.

4.2.4 Historic England’s Guidance (HE Guidance Advice Note 10) (CD/14.8) provides further clarification on curtilage listed buildings and provides examples of farmsteads (section 2). Whilst there is a physical separation, this is due to the intervening lake/ moat. The historic OS maps show that the farm buildings close to the main house to the north of the lake/ moat. There was no physical separation at the time of listing (such as a wall or a track), and a separation (post and rail fence and planting) has been formed after the listing. Therefore, consideration of the Debenham’s case (Debenhams PLC v Westminster City Council 1986), has been applied.

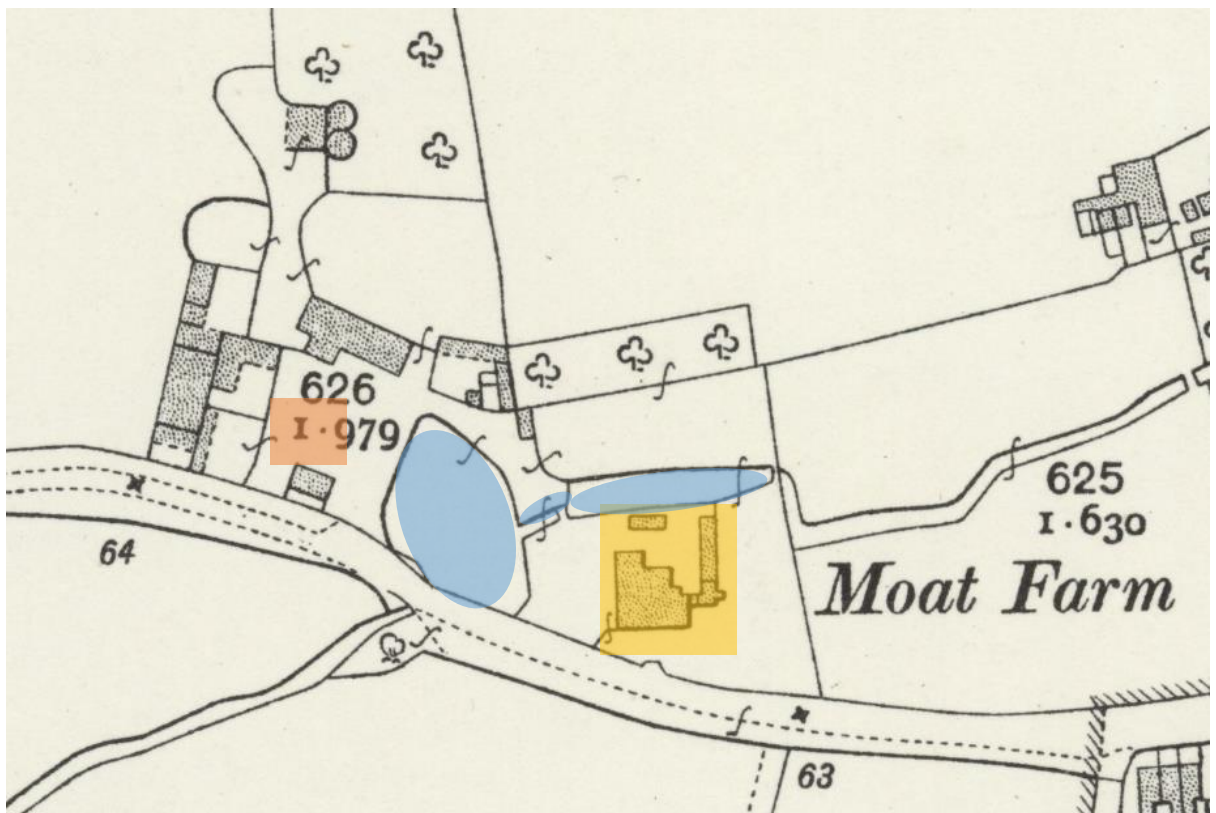


Figure 1 - 1908 OS Map. Granary highlighted in orange square. Farmhouse highlighted in yellow square. Lake and moat highlighted in blue but is connected to the stream to the east and west.

4.2.5 According to the Listed Buildings Act and the HE Guidance, the Granary has been assessed to have significance and to be a pre-1948 building within the curtilage of the listed building when it was listed, therefore, as per the Listed Buildings Act 1990 1(5)b, it has been assessed as Grade II listed.

4.2.6 The submitted Heritage and Archaeological Assessment (HAA 19/09/2023 – CD/1.11), paragraph 1.2. notes that the site does not contain any ‘principal listed buildings’ but notes that the farmstead ‘may be considered to be curtilage listed’. Later in the report, it is acknowledged that a Listed Building Consent will be sought for the demolition of the Granary (para. 5.41). I would consider that this is acknowledgment that the Appellant considers that the Granary is listed.

4.3 Failure to Conserve/ Enhance Heritage Assets

4.3.1 I disagree with the appellant in terms of Matters in Dispute (iii) as I have assessed that the appeal scheme fails to incorporate measures to conserve or enhance the significance of the heritage asset and its setting.

4.3.2 As the proposed indicative appeal scheme is to not build housing on the footprint nor even within 50m of the Granary, the demolition of the Granary is very clearly not necessary to allow for the appeal scheme.

4.3.3 The appeal scheme proposes demolition of the Granary and thus total loss of any representative original part of the Moat Farm farmstead, and therefore it would fail to protect the Granary and would detrimentally impact on the setting of Moat House.

4.3.4 The submitted Heritage and Archaeological Assessment (HAA 19/09/2023) states that the loss is acceptable due to the ‘conditions of the building’ and ‘minimal intrinsic heritage value’, which is considered sufficient to justify the loss of the listed Granary. The loss of a designated heritage asset is deemed a failure to conserve or enhance the heritage asset.

- 4.3.5 Under the NPPF (para. 209), the condition of the ‘outbuildings’, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 4.3.6 During the site meeting on 15 March 2024, it was discussed that the proposed site plan (SKMP-01-Rev A5 – CD/1.2) could consider ‘conversion’ of the farmstead or allow for some other form of development which allowed for the retention of the Granary and acknowledge the farmstead, retaining the setting of the Granary. I advised that this would protect the Granary, its setting, and the setting of the Moat House, and if that if this was not to form part of the proposed scheme, then clear and convincing justification for its loss would need to be submitted as part of the application. As an advisor, I am unable to request a change of scheme, but I highlighted my concerns that I would be unable to support the submitted scheme due to the loss of the curtilage listed building.
- 4.3.7 The retention of the Granary was discussed, and it was informally agreed that it may be possible to remove one external wall to make the Granary more of a ‘shelter’ to allow for interpretation and for a resting place/ hangout for the site/ area. This would allow for the structure to remain and support KCC comments for interpretation. Whilst this would change the external appearance of the building, it would allow for the designated heritage asset to remain and have a viable use.
- 4.3.8 It was explained by the appellant that the reason for the proposed indicative layout omitting housing development from the SE corner was due to the flood risks and to ensure the protection of the setting of the Moat House. There is opportunity to landscape the area or create a space that could respond to the former farmstead that is not residential dwellings which would protect and/or enhance the setting of the Granary and recognise the former use of the site (as per KCC Heritage Officer advice and suggested condition).

- 4.3.9 At the site meeting, it was also advised that the submitted scheme, (SKMP-01- Rev A5 – CD/1.3), required ‘clear and convincing justification’ (as required under the NPPF, para. 213 & 214, together with Listed Building Consent approval), to support the loss of a designated heritage asset, especially as there is no necessity to demolish the Granary as part of the proposed scheme. As the proposed scheme currently exists, the total loss of the designated heritage asset is considered substantial harm, and not justified.
- 4.3.10 As part of the application, the submitted Heritage and Archaeological Assessment (para. 5.40. CD/1.11) stated that ‘An appropriate programme of photographic building record could be undertaken before the farm buildings are dismantled.’ Under the NPPF para. 218, it advises that ‘*the ability to record the evidence of our past should not be a factor in deciding whether such a loss should be permitted.*’ My view is that the Granary does not need to be demolished to allow for the site to be redeveloped. Therefore, offering to undertake a building recording is not mitigation for demolition or unjustified loss, and is considered to acknowledge a perceived harm.
- 4.3.11 It is acknowledged that many of the non-listed buildings still in the former farmstead are unfortunately in a poor condition and have limited significance. My view is that the farmstead does have significance, as it forms part of the setting of Moat House and has an historic functional link. In my view, the Granary should not be demolished. It would further aid interpretation of the Moat and its setting if the non-listed farm buildings were replaced with something that responds to the former function as per the representations of KCC’s Heritage Officer. This would not impact on the proposed residential development.

4.4 Limited Information

- 4.4.1 I disagree with the appellant in terms of Matters in Dispute (iv) – that sufficient justification for the loss of the curtilage listed building has been provided for the following reasons.
- 4.4.2 Under the NPPF para. 207, 213 & 214, it is for the applicant to describe the significance of the heritage asset and provide '*clear and convincing justification*' if substantial harm or loss of a heritage asset is proposed (para. 213), with the LPA refusing consent unless it can be demonstrated '*substantial public benefits*' are provided (para. 214).
- 4.4.3 The total loss of the farmstead including the Granary is not required for the proposed outline plan.
- 4.4.4 As the Granary has been recognised as a listed building (designated heritage asset), para. 214 applies, and this provides a list of requirements to consider when there is '*proposed substantial harm, or loss*' to a heritage asset. In assessing the criteria for the scheme, I summarise:
- a) the retention of the Granary does not prevent all reasonable uses of the site to be undertaken, including the proposed development shown in the indicative layout plan (SKMP-01-Rev 5 C/D1.2),
 - b) no details have been provided that there is no viable use of the Granary through appropriate marketing which will enable its conservation,
 - c) no evidence has been provided that conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible,
 - d) that the harm of loss is outweighed by the benefit of bringing back the site into use as the Granary does not need to be demolished to allow for the site to be developed.

4.4.5 The submitted Heritage and Archaeological Assessment (HAA 19/09/2023 CD1.11) provided a methodology which confirmed that it follows ‘comments from the KCC Archaeological Officer (24.01.2023)’. The Assessment is archaeologically based, and provides a limited historic environment assessment, as required under Policy LPRSP6 – Rural Service Centres (pg.94), or under paragraph 207 of the NPPF.

4.4.6 Within the HAA there is no reference to any research documents relating to historic farmstead patterns or development. I would expect to see some reference to this within a historic environment assessment. The key documents are:

- Kent Farmsteads and Landscape Project, English Heritage and Kent County Council, B. Edwards and K Lake, 2012- https://kentdowns.org.uk/wp-content/uploads/2018/04/Kent_Downs_AONB_Farmstead_Guidance.pdf (CD/14.10)
- Historic England Guidance on Farmsteads - <https://historicengland.org.uk/research/current/discover-and-understand/rural-heritage/farmsteads-character/#:~:text=Historic%20farmsteads%2C%20comprising%20the%20farmhouse,surrounding%20landscape%20and%20settlement%20pattern.> (CD/14.11)

- 4.4.7 The HAA recognises that the farmstead contributes to the setting of the Moat House, and that the buildings retain ‘minimal intrinsic heritage significance (ie, surviving fabric), although one may be considered to be curtilage listed’ (para. 7.6). The assessment appears not to consider the historic value of the site as functionally integrated buildings nor the archaeological, architectural, or historic value of the Granary in its own right.
- 4.4.8 The HAA (CD/1.11) justification summarised as: ‘now in a very dilapidated state, and do not warrant retention within the proposed scheme’ (para. 7.6). As part of the application, no building survey or structural report was provided for the Granary or the farm buildings.
- 4.4.9 It was not until the Appeal documents were submitted that a Building Survey (dated 29.05.2024) of the Granary was presented.
- 4.4.10 On the 20 January 2025, the Appellant confirmed within the SoCG (CD/5.5) that The Granary will be ‘renewed in its current location, with its form reconstructing its historic form as closely as possible’. No details or further information has been provided and there still lack of clarity as to whether this will prevent the loss of the curtilage listed building or why this was added to the Statement of Common Ground without further detail or explanation.

4.4.11 The condition of the Granary through neglect is not considered justification for the loss of a heritage asset under the NPPF para. 209. The condition of the Granary has deteriorated in recent years, with limited maintenance or protection undertaken to protect the Granary, or the farmstead from the weather or vandals. The site itself has been protected with the hoarding after c.2016 (Google Maps). It has been noted that deliberate neglect can include no maintenance or temporary protection, especially as the owners of the site have been aware that the buildings were curtilage listed following their previous application (22/505616/OUT, my Comments dated 20/12/2022). It is not evident that any efforts have been made by the owner to prevent further deterioration. Had a Building Survey been undertaken at the time (c. early 2023), or ideally prior to the submission, it would provide a clear understanding if the Granary (and the farmstead) has deteriorated further.

4.5 Public Benefits

4.5.1 The NPPF para 214 states that where there is ‘substantial harm to (or total loss of significance of) a designated heritage asset’, as per the submitted scheme (SKMP-01-Rev 05), the LPA ‘should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss’.

4.5.2 The assessment of public benefits will be referred to Ms Geary’s evidence.

5 Summary and Conclusion

5.1.1 The Heritage Statement of Common Ground provided five areas that are contested:

- a) The articulation of level of harm,
- b) The ‘Curtilage’ Listed Granary,
- c) Failure to conserve/ enhance a heritage asset,
- d) Insufficient information,
- e) Public Benefit

5.1.2 The proposal is considered to fail to meet the requirements of the national and local policy. The appeal scheme is considered to cause ‘substantial harm’ due to the proposed demolition and thus total loss of the curtilage listed Granary Executive Summary (Heritage)

5.1.3 The proposed scheme currently includes for the demolition of the (curtilage) listed Granary. This is a Grade II listed building by virtue of being a curtilage building to the Grade II listed “The Moat”, a former farmhouse.

5.1.4 The demolition of the Granary will mean the total loss and understanding of this corner of the appeal site and will detrimentally change the relationship of the Grade II listed former farmhouse (The Moat) in its immediate setting and its historic functional connection with the agricultural buildings and land.

5.1.5 In the NPPF, there is no articulation of harm, apart from ‘substantial, or total loss, or less than substantial’, and therefore providing an articulation on the total loss of a designated heritage asset is not required.

5.1.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 recognises that a listed building includes structures and buildings within its curtilage at the date of listing if they pre-date 1948. The Act does not differentiate between the level of protection between the principal listed building, or those within its curtilage.

- 5.1.7 The appeal scheme does not require the demolition of the Granary, and therefore the unjustified loss of the designated heritage asset is considered to fail to conserve or enhance the asset.
- 5.1.8 Within the submitted information for the application, limited information on the significance of the Granary, its setting or its relationship with the Moat House was provided. Under the NPPF, there is a requirement for the applicant to describe the significance (para. 207), and where loss is proposed, to provide ‘clear and convincing justification’ (para. 213). The submitted information provided a single line to justify the loss of the Granary which is considered to be insufficient information. It was not until the submission of the Appeal that a Building Survey of the Granary was presented to the LPA.
- 5.1.9 Under the NPPF (Dec 2024), where harm to designated heritage asset has been identified, ‘great weight should be given to the asset’s conservation’ (para. 212). This harm can be weighed against public benefits (para. 216). Public Benefit is a planning/heritage balance undertaken by the Planning Officer..
- 5.1.10 The proposed scheme layout (CD/1.2) does not require the loss of the designated heritage asset to enable the scheme to be implemented. Therefore the loss of the heritage asset of the Granary is not necessary to allow for housing development of the site to be undertaken.
- 5.1.11 The appeal scheme is contrary to the NPPF paragraphs 206(a) and 207, and policies LPRSP14(B) (parts 2 and 4) and LPRENV1 (parts 1 and 4) of the Maidstone Borough Local Plan Review 2024 and draft - Headcorn Neighbourhood Plan Policy 2: Siting, landscaping and protecting the natural and historic environment and setting.