

**Case Reference: 23/504471/OUT**

**Site: Land At Moat Road Headcorn Maidstone TN27 9NT**

**Case Officer: Marion Geary**

**Conservation Officer: Janice Gooch**



## DESCRIPTION OF WORKS

Outline application (with all matters reserved except access) for the development of up to 120no. dwellings (Use Class C3) including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), 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).

## SIGNIFICANCE

### ***Designation and context***

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.

The historic core of Headcorn is a designated Conservation Area (no appraisal) and includes the south side of Moat Road up to Gooseneck Lane and follows the boundary of Headcorn Manor<sup>1</sup> (GII\*), St Peter & St Paul's Church (GI), and the three dwellings (Book House; Walnut Cottage & Beult House – none listed) before the boundary heads east.

The south side of Moat Road is a collection of older, two-storey dwellings, with a mix of red brick, render and weatherboarding. They generally have small front gardens, with a mixture of boundary treatments. The north side, whilst developed, present a predominantly hedge boundary, with a grass verge, which retains a more rural character. Past the built form the character opens up to countryside, with more open views to the agricultural land to the south and hedges to the north, which provides the boundary treatment for The Moat (Grade II) which sits towards the front of the plot. This dwelling was originally a farmhouse, dated to the early-mid C16 (HE Listing Description, listed 1968; Amended 1986). The property is timber framed with the ground floor red brick in stretcher bond and the first floor is tile hung. The property was formerly moated.

To the west of Moat House (and where the moat was) is a group of derelict farm buildings. The 1898 OS Map shows Moat Farm, the large moat (pond) to the west and a collection of 5 buildings. Additional buildings, including an Oast to the north of the group, is shown on the 1908 OS Map. There are remains of some of the structures, but some structures have been lost since 2019 (shown on Google). The lost buildings include a larger brick barn/outbuilding, a smaller building, with chimney and a concrete frame barn. Some of these could be considered to be curtilage listed due to the connection with The Moat.

The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 1(5) says that the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1st July 1948.

<sup>1</sup> Headcorn Manor was the former Parsonage, and is dated to c.1516, and set within substantial grounds.

	<p>The law referring to curtilage only came into effect on 1 January 1969. Although there is no case law to confirm the matter, the most logical way of dealing with buildings listed before 1969 would be to consider the position at the 1 January 1969 and apply the three-part assessment of the facts to that situation.</p> <p>Buildings that are considered within the curtilage of the listed buildings(s), if they comply with the following simple test:</p> <ul style="list-style-type: none"> <li>• the physical layout of the listed building and the structure;</li> <li>• their ownership, both historically and at the date of listing; and</li> <li>• the use or function of the relevant buildings, again both historically and at the date of listing (these tests were first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982, as accepted by Debenhams plc v. Westminster CC, 1987).</li> </ul> <p>Under the guidance of Curtilage listed, it is considered that buildings XXX could be deemed as curtilage listed buildings as they comply with the standard test;</p> <ul style="list-style-type: none"> <li>• are shown on the 1843-1893 OS Map</li> <li>• The farmstead has never been segregated/ fragmented by ownership</li> <li>• The use and function of the buildings is within the use of the Farmstead</li> </ul> <p>Further guidance available at <a href="https://historicengland.org.uk/images-books/publications/listed-buildings-and-curtilage-advice-note-10/heag125-listed-buildings-and-curtilage/">https://historicengland.org.uk/images-books/publications/listed-buildings-and-curtilage-advice-note-10/heag125-listed-buildings-and-curtilage/</a></p>
<b>Article 4 Dir</b>	N/A
<b>COMMENTS</b>	
<b>Planning history</b>	22/501788/PAMEET
<b>Relevant policies</b>	<p>Policy DM4 Development affecting designated and non-designated heritage assets. In particular:</p> <p><i>6.32 Where development is proposed for a site which includes or has the potential to impact on heritage assets, developers must submit an appropriate heritage assessment which analyses the direct and indirect effects of development on those assets. Significance can be defined in this context as the value of a heritage asset to this and future generations because of its heritage interest which may be historic, archaeological, architectural or artistic. Significance derives not only from the heritage asset's physical presence but also from its setting.</i></p> <p><i>6.33 In the determination of planning applications, the relevant assessment factors, including weighting of potential harm against wider benefits of the development, is set out in detail in the NPPF paragraphs 131 to 135 (or as superseded).</i></p> <p>NPPF (Dec 2023)</p>
<b>Form</b>	The proposed scheme is outline planning permission only, all matters reserved other than the principle means of access to the highway.
<b>Design</b>	An indicative plan (SKMP-01) has been provided which shows a green 'buffer zone' to the south, with the main access onto the development, and a green 'buffer zone' to the west. The whole site is to be screened with trees. A green corridor runs through the centre of the site (west – east) and to the north of the site.

	<p>An indicative street scheme (SS-01/02/03/04) has been provided of 4 streets. These are a mix of two-storey detached, semi-detached and linked houses, fronted with picket and metal fences or soft landscaped front gardens. The materials shown are a mix of grey and red/brown tiles, render; yellow hoarding, tile hanging and brick.</p>
<b>Materials</b>	Refer to Design.
<b>Setting</b>	<p>The setting of a listed building is not confined to public land but includes private land. Separate ownership is not a consideration for the separation of setting.</p> <p>A lack of visual connection does not mean that there is no impact on the setting of the listed building, as it could form part of the wider estate, or if separated by plants (such as trees), these could be removed (or naturally die) and therefore a visual connection could be later undertaken. (HE - PG3).</p>
<b>Impact on Significance</b>	<p>The proposed scheme is outline only, with all matters reserved, apart from Highways. It is therefore difficult to make a full assessment on the proposed impact on the setting of the designated heritage assets (listed buildings and the Conservation Area).</p> <p><u>Demolition of Former Farm Buildings</u>  Within the scheme, it is proposed to demolish the collection of farm buildings, with the indicative plan showing that this will become a green 'buffer zone' to protect the setting of The Moat and the wider landscape<sup>2</sup>.</p> <p>A separate LBC application has been submitted (23/505693/LBC – LBC for the demolition of a potentially curtilage listed structure related to Moat Farm). The loss of a curtilage listed building is considered to be substantial harm. While a building can be recorded, this is not justification or mitigation for the loss of a heritage asset. (NPPF 2023, para 211 states - <i>However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.</i>)</p> <p>The submitted DAS notes the farm buildings as possessing 'minimal intrinsic heritage significance. They are now in a very dilapidated state, and do not warrant retention within the proposed scheme'. There is no reference to the relationship between the buildings and The Moat, or their relationship to the wider agricultural setting.</p> <p>Under the NPPF (2023), para 202, where there is evidence of deliberate neglect of, or damage to a heritage, the deteriorated state of the asset should not be considered. There is no evidence of deliberate neglect, however, there is evidence of limited maintenance and protection of the buildings through lack of maintenance. The buildings have become redundant, but images on Google show that the buildings (apart from the concrete frame barn) were in fair condition. Therefore, the condition of the buildings should only be partly considered.</p> <p>The remaining structures have been altered and adapted, and it is evident that modern interventions have occurred. This is typical of farm buildings that were adapted to suit the changing husbandry and needs of the farmer. However, there are elements and features that remain, and these contribute to the setting of The</p>

<sup>2</sup> Landscape considerations will not be undertaken, apart from understanding of the setting of the heritage assets.

Moat House, such as the typical, square Granary (Building A<sup>3</sup>) located on the SE corner of the site, and visible from the road, of which the saddle stones and the basic timber frame and roof structure remain. This is a key building within the farmstead, including the now lost (since 2019) larger barn to the north of the site.

It is important to remember that significance<sup>4</sup> is not just the age of the historic fabric. A building (or structure) is listed for its particular architectural and/or historic interest deserving of special protection. HE recognise that heritage assets have four areas of value<sup>5</sup> – evidential; historical; aesthetic; communal.

The submitted Heritage and Archaeological Assessment provides details of the archaeology of the site, and its surroundings, with construction details of the former Farm Buildings provided. A summary has been provided (para. 5.39) that there is ‘no extent or discernible features that better reveal the historic use or layout of Moat Farm, or otherwise imbue the former farm complex with heritage significance.’ The statement fails to provide a full assessment of significance, aside from historic fabric.

#### Setting

The submitted Heritage Statement has only identified one designated heritage asset, The Moat, that could be impacted from any proposed development. It has suggested that the wider setting of the Conservation Area or the higher listed Headcorn Manor (GII\*) are not considered due to the fact ‘*that the site does not form any part of the setting that positively contributes to the overall heritage significance due to the nature of the asset and a lack of important visual connection, spatial relationships or historic connections*’. Due to the scale of the proposed scheme, and the limited information provided (as this is an Outline application), consideration of the setting of the wider heritage assets should be undertaken to ensure that any potential harm can be reduced.

#### Setting of Moat House

Moat House, and the associated farm buildings have historically been connected to the site. The Statement notes the separation of the buildings from The Moat House, which was required due to the moat, and the visual separation is due to the heavy plant growth. While it is agreed that much of the significance of the Moat House is derived by its historic fabric and form, the rural setting, and the position of the farm building, because of the moat, contributes to the setting. The current site is not a positive contribution to the setting of the house due to the hoarding and condition of the buildings; the buildings are deemed of significance and do form part of the significance of the Moat House.

The loss of the farmstead and the creation of a green ‘buffer zone’ will change the relationship of the former farmhouse in its immediate setting and its connection with the agricultural land. The loss of the farmstead is considered to cause less than substantial harm to the setting of Moat House.

<sup>3</sup> This building has been recognised by Pegasus Group as the only ‘Potentially Curtilage listed’ structure of the group.

<sup>4</sup> NPPF definition: Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.

<sup>5</sup> Conservation Principles: Policies and Guidance- Historic England

Setting of St Peter & St Paul's Church (GI)

Consideration for the impact on the setting of St Peter & St Paul's Church has been provided within the submitted Heritage Statement. It is agreed that the setting of the church will not be impacted by the proposed development if the building height is limited to two storeys.

Setting of Headcorn Manor (GI\*)

At present it is difficult to make a full assessment on the potential impact, however, the principle of two-storey development as proposed is considered to cause no harm to the setting.

Setting of Headcorn Conservation Area

Approaching the CA from Moat Road retains a rural, open approach to the Conservation Area. The proposed scheme would introduce an urban road layout to the lane, especially with the introduction of kerbs, signage, and road markings. This has the potential of causing less than substantial harm to the setting of the designated heritage asset.

The creation of heavy screening by trees and hedgerows will alter the wider setting by blocking the wider views through to the agricultural land. This has the potential of causing less than substantial harm to the setting of the designated heritage asset.

Underground Monitoring Post

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 Heritage Statement<sup>6</sup> advises that of the 1,500+ that were constructed, approximately half have been lost.

It would appear that most, if not all of the structure has been removed, and therefore it is unlikely to be considered a non-designated heritage asset. However, guidance for archaeological value should be sought from KCC Archaeologist.

Proposed Design

Any development within the setting of a Conservation Area, or historic settlement should respect and should respond to the surrounding area. Examples of surrounding architecture have been provided within the DAS (page 26) which includes modern development.

Any materials should respond to the local building type.

Summary

The loss of the farmstead is considered to cause substantial harm to the curtilage listed buildings. It would appear that the more historic structures have been lost post 2019. Whilst recording could be undertaken, it does not reduce the level of harm. There is no justification for the loss of the heritage assets apart from their condition. The scheme could be adapted to retain the significant elements, which would preserve the heritage assets, without impacting on the proposed development. The loss of a curtilage listed building is considered under the 23/505693/LBC application.

	<p>The loss of the farmstead is considered to cause less than substantial harm to the setting of the Grade II the Moat House. Whilst it is acknowledged that these buildings have been altered and are now in a dilapidated state, they do contribute to the setting and significance of the former farmhouse. The proposed (indicated) heavy planting will have a further impact on the setting by removing the visual link to the agricultural land.</p> <p>The principle of development is considered acceptable from a heritage consideration as there has been numerous new developments within the area. Concern is raised for the extent of the Highway requirements, such the creation of a new road, with vision splays, road markings, etc., which will change the rural nature of Moat Road, and has the potential to impact on the setting of the Conservation Area. The height of the buildings needs to be carefully considered to ensure that it does not become a dominant feature within the skyline to compete with the church or the Conservation Area.</p> <p><u>Additional Information</u> Highways - Further information was submitted following concerns from Highways which includes improving the pedestrian crossings at the junction of Kings Road and North Street to create 2No push button crossings for pedestrians. This area is within the boundary of the Headcorn Conservation Area and within the setting of 1 &amp; 2 Moat Road (GII). At present there is traffic light control for this crossroads, but none have push button crossings. Consideration for the more urban intervention needs to be assessed on the setting of the Conservation Area and the listed buildings.</p> <p><u>Additional Information – Formation of Shelter</u> A site visit (15.03.24) was undertaken to discuss the curtilage listed building and the farmstead. It was explained that the Granary would need to be retained or replaced like for like if it was considered that the existing structure was deemed beyond repair and that the replacement should retain as much of the original fabric as possible. It was confirmed that it may be possible to make the structure open on one side, dependant upon design. The replacement structure should therefore replicate the existing structure.</p> <p>The proposed structure is timber framed but with metal sheeting, and set upon a concrete base directly on to the floor.</p> <p>The proposed replacement structure changes the position of the existing Granary, looks to replace all the fabric, and changes the form, scale, and details, and therefore is not a like for like replacement of the curtilage listed Granary. This would not be supported under an LBC application for the reasons provided.</p>
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**Conditions**

**CONCLUSION**

*Request amendments - There are insufficient heritage grounds to justify refusal of this application but the applicant should be encouraged to achieve a more appropriate scheme*

**FURTHER GUIDANCE**

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| <p>For further guidance please click the relevant link.</p> | <ul style="list-style-type: none"> <li>▪ <i>Manual For Streets ( <a href="#">LINK HERE</a> )</i></li> <li>▪ <i>Kent Design Guide ( <a href="#">LINK HERE</a> )</i></li> <li>▪ <i>National Design Guide ( <a href="#">LINK HERE</a> )</i></li> <li>▪ <i>Urban Design Compendium ( <a href="#">LINK HERE</a> )</i></li> </ul> |
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- *Placecheck Users Guide* ( [LINK HERE](#) )
- *Setting of Heritage Assets* [LINK HERE](#)
- *Adapting Traditional Farm Buildings* [LINK HERE](#)
- *Stopping the Rot* [LINK HERE](#)
- *Conservation Principles* [LINK HERE](#)
- *Listed Buildings and Curtilage* [LINK HERE](#)
- *BS 7913 2013*
- *Statements of Heritage Significance* [LINK HERE](#)
- *Traditional windows* [LINK HERE](#)