

Statement of Common Ground.

Maidstone Borough Council and Pegasus Group.

Pegasus Group on behalf of Catesby.

Land at Moat Road, Headcorn.

20th January 2025: | Pegasus Ref: P21-3568

Author: GS

Signed: <i>Marion Geary</i>	Signed: <i>Gail Stoten</i>
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On behalf of: Maidstone Borough Council	On behalf of: Pegasus Group (acting on behalf of Catesby)
Date: 20.01.25	Date: 20.01.2025





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I. Introduction

- 1.1. This Statement of Common Ground (SoCG) is agreed between Gail Stoten (for Catesby; the Appellants), and Maidstone Borough Council, and relates to application 23/504471/OUT.
- 1.2. This Statement of Common Ground relates to Heritage in terms of Structure A/Building 3/The Granary and Headcorn Conservation Area.

2. Background

- 2.1. The original planning application proposed a timber frame shelter to be erected in place of the demolished Structure A/Building 3/The Granary. The replacement shelter was detailed in drawing ref THS.01 and is not annotated with any reference to the demolished building or its materials.
- 2.2. The Listed Building application 23/505693/LBC included a Heritage Statement that did not refer to any retention of the existing structure nor any re-use of its materials. Amendments were made to the application proposals to allow for the replacement following the refusal of the Listed Building Application.
- 2.3. In the Appellants Statement of Case, September 2024, it was stated that further information would be provided on the proposed replacement structure, and how this will incorporate retained fabric of the barn structure and conserve any historic illustrative value.
- 2.4. On 20 January 2025, the appellants confirmed that Structure A/Building 3/The Granary will be renewed in its current location, with its form reconstructing its historic form as closely as possible. A methodology for the repair, renewal and reconstruction of the structure has been commissioned from James Clague Architects. This will take a conservation-led approach to the structure, making it structurally sound and weathertight to allow for a future new use, whilst retaining as much historic fabric as is salvageable, with new additions matched to the historic fabric to reconstruct its historic form.
- 2.5. The methodology will include:
 - Carefully stripping and setting aside securely for reuse the roof finish, sarking boards, wall cladding and floorboards and providing external weather protection for the duration of the works.
 - Inserting props to allow for safe access to enable recording and identifying structural components in-situ before dismantling as necessary for repair/reinstatement.

- Carrying out necessary conservation repairs to the structural frame and finishes to include reinstatement of missing or extensively decayed components to restore the structural assembly to a sound, load bearing condition before reinstating finishes, all to match the original detail.
- Addition of external steps and ironmongery for secure access to be agreed and subject to condition.

2.6. The appellant does not consider that the information provided within the James Clague Architect Method statement or drawings result in an amendment to the proposals as no detailed permission is sought for the replacement building. This information is to demonstrate that the replacement of The Granary is possible utilising the existing materials where possible further to the Building Condition Report submitted with The Appellants Statement of Case. The information is not for approval. The full details of the proposed replacement building is a detailed matter which will be approved via reserved matters and a separate Listed Building Consent. Consequently, this additional information does not comprise an amendment to the appeal. The intention to replace the Granary remains the same.

3. Areas of Agreement

3.1. It is agreed that:

- (i) The proposed new development as per the illustrative layout SKMP-01 Rev A5 would result in less than substantial harm to the significance via changes to the setting of the Grade II Listed The Moat.
- (ii) The proposed new dwellings sited as per the illustrative layout SKMP-01 Rev A5 would not result in harm to the significance of the Conservation Area via setting.
- (iii) One of the farm buildings present within the site 'Structure A'/Building 3/The Granary which formerly related to the Moat Farm has been assessed by Maidstone Borough Council as curtilage listed with heritage significance. Other structures present are not considered to be curtilage Listed.
- (iv) In terms of the proposed removal of Structure A/Building 3/The Granary, and a replacement structure being proposed, under the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF, any harm to the significance of a designated heritage asset must have clear and convincing justification.
- (v) Paragraph 209 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision
- (vi) Paragraph 210 of the NPPF states that in determining application LPAs should take account of the desirability of sustaining and enhancing the significance of

heritage assets and putting them to viable uses consistent with their conservation

- (vii) Paragraph 212 of the NPPF states that great weight should be given to the conservation of heritage assets irrespective of whether the potential harm amounts to less than substantial harm.
- (viii) Paragraph 214 of the NPPF states that where a development leads total loss of significance of a designated heritage asset, the substantial harm or total loss must be necessary to achieve substantial public benefits that outweigh that loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- (ix) The Headcorn Conservation Area Appraisal & Management Plan (CAAMP) was approved for review at Committee in 2019. A draft CAAMP was written, followed by a formal public consultation 2021. Following Cabinet Member sign off on 10 Oct 2024, Headcorn CAAMP is now formally adopted.
- (x) MBC was made aware of the Methodology being commissioned and its intended scope on 20 January 2025.
- (xi) The Methodology has not been finalised. The initial findings are outlined in paragraph 2.5 above.

4. Matters in Dispute

4.1. The remaining matter in dispute comprises:

- (i) With regards to the less than substantial harm to the significance of the Grade II Listed The Moat, Pegasus consider that it is helpful to articulate a level of harm on a scale, whereas MBC considers that it is not required by the NPPF to put in a scale of harm scale (paragraphs 212, 213 and 215).
- (ii) MBC consider that the Structure A/Building 3/The Granary is a designated heritage asset (Curtilage Listed) in its own right, whereas Pegasus consider that the granary is part of the principal building (The Moat) Listing, with that relating to a single designated heritage asset.



- (iii) MBC considers that appeal scheme affects a heritage asset but fails to incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and its setting
- (iv) Notwithstanding the intention of the appellant to submit a methodology for the reconstruction of the structure with some salvageable historic fabric, MBC considers that the appellant has failed to provide sufficient justification for the loss of the curtilage listed building as required under paragraphs 206 and 207 of the NPPF.
- (v) MBC considers that the appeal scheme fails to protect the designated heritage asset, which would result in harm that is not outweighed by any public benefits of the development that are facilitated by the proposal removal of Structure A/Building 3/The Granary.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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