

Jones Lang LaSalle Incorporated

Built Heritage: rebuttal report

The Barn, Horton Priory Estate, Kent, TN25 6DZ

Henry Ryde - JLL Heritage

Planning Inspectorate Ref: APP/L2250/C/18/3210829

Local Planning Authority Ref: Y18/0008/CM /KC

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1 Response to Council's Statement

Overview

- 1.1 JLL Heritage have received and reviewed the Council's Statement. In advance of the Hearing scheduled to begin on 31st March 2019, the comments beneath respond to the Council's Statement where reference is made to built heritage matters.
- 1.2 The comments below reference the paragraph numbering of the Council's Statement (**shown in bold**).

Response to Council's Statement

- 1.3 **Paragraphs 2.5 – 2.6 and 3.2.** The Council refers to the track and hardstanding in the vicinity of the Barn. Notwithstanding the fact that the track and hardstanding are not subject to the Enforcement Notice, it should be noted that save for the gravel reception drive located directly to the north of Monks Horton Priory (Grade I), all tracks and areas of hardstanding within Horton Priory Estate are tarmac. Tarmac is a readily apparent feature within the wider and extended setting of Monks Horton Priory. The tarmac track and hardstanding associated with the Barn are appropriate finishes that connect to an existing tarmac track via a newly formed opening in the boundary wall (as approved ref: Y16/0009/SH). The track and hardstanding are not therefore unusual features within the estate, instead they reflect (preserve) the way in which the setting and significance of Monks Horton Priory (Grade I) or the wider heritage assets within Horton Priory Estate is experienced.
- 1.4 **Paragraph 6.1.** The Council's acceptance of the principle of development in the location of the Barn is noted and it accords with the Statement of Common Ground.
- 1.5 **Paragraph 6.4.** The Council's acceptance of the materials of the Barn (excluding the glazing) is noted and it accords with the Statement of Common Ground.
- 1.6 **Paragraph 6.8.** The Council refer to policy BE5 (f). This does not apply since the Barn does not comprise an extension of or alterations to a listed building.

- 1.7 **Paragraph 6.10.** The Council sets out its assessment of impact on Monks Horton Priory (Grade I) within this short paragraph. However, the Council has provided no evidence of its analysis into the baseline history, use and development, significance or setting of Monks Horton Priory (Grade I) as part of coming to a conclusion on the assessment of impact.
- 1.8 Save for a short section of historic analysis in **paragraph 2.1**, which omits a significant section of over 400 years of the historic use of Monks Horton Priory (Grade I) and the wider Horton Priory Estate for agricultural purposes, during which a large barn was recorded to the north of Monks Horton Priory, the Council has provided no analysis of the baseline history, use and development of Monks Horton Priory.
- 1.9 There is no analysis into the history, setting and significance of comparable statutory listed heritage assets in the locality (former priory buildings, farmhouses, manor houses or ecclesiastical complexes) to ascertain what is, or was, evident within their settings (regularly including large timber clad barns of a comparable scale and character).
- 1.10 There is consequently no analysis regarding how the estate's history has shaped the setting and significance of Monks Horton Priory. As a result, there is also no analysis of how setting may contribute to an appreciation of this significance or be informed / shaped by history. The significance of Monks Horton Priory is not mentioned once in the Council's Statement.
- 1.11 Other than **paragraph 6.9** which provides the NPPF's definition of what setting is, there is no understanding of how the setting of Monks Horton Priory has changed over time, no analysis of the value of elements within its current setting, or an assessment of the role setting plays in the ability to experience the significance of Monks Horton Priory.
- 1.12 This analysis has to be undertaken before a robust conclusion can be reached with regard to the potential impact of the Barn on the significance of the Priory as a heritage asset. It would appear that the Council has instead made an immediate judgement based on the change in scale and character of the Barn compared with what was approved without first identifying or understanding the above.
- 1.13 Both JLL Heritage's Hearing Statement and Heritage Assessment (the latter forming Appendix A to the Hearing Statement) have followed the longstanding staged process required to assess the impact of development on heritage assets - as adopted in Historic England Good Practice Advice Note (GPA3): The Setting of Heritage Assets (December 2017). This has ensured the findings of the

Hearing Statement are robust, giving great weight to the conservation of heritage assets in line with paragraph 193 of the National Planning Policy Framework (the "**NPPF**") (updated February 2019).

- 1.14 **Paragraph 6.19.** The Appellant has submitted six options, without prejudice, for modifying the Barn as part of the Appeal under Ground (f). These options are being explored with the planning officer and may result in a planning application being submitted. It is understood that all details of any agreed options will be forwarded to PIN in that event.
- 1.15 Notwithstanding the fact that the Barn (as exists) preserves the significance of Monks Horton Priory, if implemented, the options would continue to preserve the significance of Monks Horton Priory by virtue of forming an appropriate addition within its setting.

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ENFORCEMENT APPEAL
COMMENTS ON THE COUNCIL'S STATEMENT OF CASE



AGAINST ENFORCEMENT NOTICE
ref. no. Y18/0008/CM/KC

ON BEHALF OF THE APPELLANT:
IMT TRUST SERVICES AG, AUSTRASSE 56, PO
BOX 1235, VADUZ 9490, LIECHTENSTEIN.

AT
MONKS HORTON PRIORY
PRIORY LANE
MONKS HORTON
KENT
TN25 6DZ

Appeal Reference: **APP/L2250/C/18/3210829**
23rd December 2019 Reference: PP18024

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2. Comments on The Council's Statement of Case



Appeal Barn East Elevations

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1.00 INTRODUCTION

- 1.01 We have been sent the Council's Statement and have the following comments to make in advance of the Hearing scheduled to begin on 31st March 2019.

2.00 COMMENTS ON THE COUNCIL'S STATEMENT OF CASE

- 2.01 Our comments below follow the paragraph numbering of the Council's Statement (BOLD). The Appellant's response relating to the Council's comments in respect of Heritage are set out separately in the response by JLL [appended hereto].

Comments

- 2.02 **Paragraph 2.2** It is not clear what point is being made. There is no evidence Little Priory Wood includes areas of Ancient Woodland. Nevertheless the Barn has no impact on it.
- 2.03 **Paragraph 2.5** The photographs at Appendix C show the track that existed prior to the 2016 Permission for two barns, which terminated at The Garden Cottage, was a tarmac surface. It was logical to extend it in the same material.
- 2.04 **Paragraph 3.2** The extract from the Design and Access Statement at Appendix F does say the extended track is to be finished with loose gravel and this is also stated on the application form (**Document 2b**). The Officer's Report (**Document 5**) says "*Access to the barns will be via an existing access road which serves the Estate*" and continued "*Given the important status of the application site and the listed status of the main dwelling, all materials will need to be submitted and approved in order to ensure they appear sympathetic to their setting.*" However, the approved plans (**Document 2**) do not specify any materials and there are no conditions requiring submission of any materials relating to the road finish. The Appellant is open to agreeing an alternative finish with the Council if the Inspector considers this necessary.
- 2.05 **Paragraph 6.1** The acceptance of the principle of development in the location of the Barn is noted and it accords with the Statement of Common Ground.
- 2.06 **Paragraph 6.4** The acceptance of the materials of the Barn (excluding glazing) is noted and it accords with the Statement of Common Ground.
- 2.07 **Paragraph 6.6** The submitted photographs by JLL clearly show the limited views of the Barn from outside the site – in order to assess impact on the wider countryside and landscape;

and within the Estate – to assess its impact on the Setting of the Listed Building. The Council acknowledge the Barn is *"not overtly visible from all angles outside the site"*. National and local policy does seek to protect the countryside for its own sake, however the impact of the Barn on the countryside is limited given its location, distance from public viewpoints and the topography of the land. The site is not within a protected landscape.

- 2.08 **Paragraph 6.8** The Council refer to policy BE5 (f). This does not apply since the Appeal development does not involve an extension or alterations to a listed building.

- 2.09 **Paragraph 6.11** It is not clear what policy test is being referred to. Policy CO1 which deals with development in the countryside does not require an applicant to justify that a building is 'reasonably acceptable'.

- 2.10 **Paragraph 6.15** The Council say they would not be prepared to grant planning permission for the Barn as built and so do not propose any conditions. However, conditions are still required in the event the Inspector allows the Appeal. The Council will no doubt want to consider controlling the use of the Barn with a condition similar or the same to condition 7 of Y16/008.

- 2.11 **Paragraph 6.16** The Council's site visit took place on 17 January 2018 as confirmed in paragraph 6.16. Officers say the hardsurfacing had not been laid at the time of the visit and they may consider enforcement action on this element following the outcome of the Appeal. Photographs in Appendices I and J clearly show a base course of hard core laid all around the building in preparation for top dressing. The extent and preparation of the hardsurfacing was therefore plainly visible to Officers with the works at an advanced stage. For all practical intents and purposes the hard surface was laid. The laying of a 20mm top dressing of tarmac to the compacted hard surface was completed on Saturday 7 April 2018.

- 2.12 Despite the presence of the barn "in the advanced stages of construction" and the advanced stages of construction of the hardsurfacing, there was a 6-month delay before the EN was served on 27 July 2018 and Officers did not choose to enforce against the hard surfacing.

- 2.13 **Paragraph 6.17** The Council's recollection of the verbal advice given at the site visit of 17 January 2018 does not accord with that of the Estate Manager. He explained that it was the intention to submit a retrospective application to retain the Barn pending waiting for a reply from the planning officer to the email of 18th January.

- 2.14 **Paragraph 6.18** It was open to the Council to serve a Stop Notice following their site visit in January 2018 if they considered the works to result in harm to the Listed Building. It took 7

months to serve the EN. It is not clear when the Report to Committee recommending an EN be served was written as it is undated. However the Minutes (**Document 21c**) are for a Meeting dated 20 February 2018. There is no explanation as to why it then took until the end of July 2018 to serve the EN. It should not have been assumed that it was unrealistic for the reconstruction works to be 'reasonably feasible or cost effective.' The Council now say they will consider alterations to the barn, subject to policy compliance (paragraph 6.19).

- 2.15 **Paragraph 6.19** The Appellant has submitted six Options, without prejudice, for modifying the Barn as part of the Appeal under ground (f). These options are being explored with the planning officer and may result in a planning application being submitted. Details of any agreed Options will be forwarded to PIN in that event.
- 2.16 **Paragraph 6.21** The time for compliance of 12 months is noted. However, we again request a 24-month period given the Grade I Listed Status of Horton Priory.
- 2.17 **Paragraph 6.22** Condition 7 of the 2016 Permission says the barns should be used '*for storage purposes in relation to the running of the Estate*'. It does not specify they should be used only for agricultural purposes. The Council could have conditioned the 2016 Permission to be for agriculture only if it was necessary to control the use of the two barns. The Statutory Declaration (**Document 50**) confirms that when the Estate was purchased there were existing leases in place with two local farmers and this has continued. They pay a peppercorn rent. The leases place no obligation on the farmers to maintain the land or its boundaries so the responsibility remains with the owners. It does not however negate the need for maintenance of the Estate which extends to over 22ha (54 acres). When purchased, the Estate had not been well maintained and a programme was put in place to maintain the land which includes the woodland, trees, hedges and ditches. That need is present notwithstanding the fields remain rented out and the Estate requires covered secure storage for machinery, vehicles etc. and for general estate storage. The Appellant's main responsibilities for maintenance are set out as follows:
- There is around 4150m (4.1km) of boundary hedging/ fencing.
 - There are many other hedges within the estate.
 - There is around 1900m (1.9km) of drainage ditches to maintain. These handle the surface water run-off from the surrounding area and roads, such as Moorstock Lane and Cockash Lane.
 - Managed parkland & woodland.
 - Tree growing and planting.



Paradigm Planning Ltd.
Chartered Town Planning Consultants

Gunn, Karen

From: Gunn, Karen on behalf of Planning
Sent: 08 January 2020 15:02
To: 'TeamE1'
Subject: RE: Planning Inspectorate APP/L2250/C/18/3210829: Horton Priory, TN25 6DZ

Good afternoon Lauren,

Re: APP/L2250/C/18/3210829: Horton Priory, TN25 6DZ

Thank you for your swift response. I will upload these to our website with the error, I have advised our Planning Officer, Katy Claw.

Kind regards,

Karen

Karen Gunn
Business Support Assistant
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Folkestone & Hythe District Council, Civic Centre,
Castle Hill Avenue, Folkestone, Kent, CT20 2QY
E: karen.gunn@folkestone-hythe.gov.uk

Please note that our Online Application for planning will be unavailable from 3 to 16 January 2020 due to essential systems maintenance. In the interim any planning applications or planning registration queries should be directed via email to planning@folkestone-hythe.gov.uk. Please note that any new applications received during this period can only be registered after 16 January 2020. We apologise for the inconvenience.

From: TeamE1 [mailto:TeamE1@planninginspectorate.gov.uk]
Sent: 08 January 2020 14:55
To: Planning <Planning@folkestone-hythe.gov.uk>
Subject: RE: Planning Inspectorate APP/L2250/C/18/3210829: Horton Priory, TN25 6DZ

Dear Karen,

Thank you for your email, and I note your call.

We are happy for you to proceed and to accept these documents.

Kind regards,

Lauren Bryant

The Planning Inspectorate
Enforcement Case Officer
Room 3B

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From: Karen.Gunn@folkestone-hythe.gov.uk <Karen.Gunn@folkestone-hythe.gov.uk> **On Behalf Of** Planning@folkestone-hythe.gov.uk

Sent: 08 January 2020 14:47

To: TeamE1 <TeamE1@planninginspectorate.gov.uk>

Subject: RE: Planning Inspectorate APP/L2250/C/18/3210829: Horton Priory, TN25 6DZ

Good afternoon,

Re: APP/L2250/C/18/3210829: Horton Priory, TN25 6DZ

Thank you for providing us with final appellant comments. The hearing date referred to on both documents is incorrect as it states the hearing date is 31st March 2019 and not 2020. Would you please advise if this error would be acceptable as it stands or whether you would contact the appellant in respect of corrected documents.

Kind regards,

Karen

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From: noreply (outbound only) [<mailto:noreply@planninginspectorate.gov.uk>]

Sent: 07 January 2020 10:26

To: Planning <Planning@folkestone-hythe.gov.uk>

Subject: Planning Inspectorate APP/L2250/C/18/3210829: Horton Priory, TN25 6DZ

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