



Delegated Report

Listed Building Consent Application

Planning Application No: 20240946

Location: 26 King Street Gravesend Kent DA12 2DU

Description: Application for Listed Building Consent; Removal of raised platform, Judge's bench and remaining court furniture. Construction of panelling between existing (retained panelling) and lower floor level following removal of platform. Construction of steps between court room and adjoining studio to address change in level following removal of platform.

Applicant: PPT London

Site Visit Date: 28.11.24

Submitted Documents/Plans

Application Form
Site Location Plan
KSG/0424/01 – Court Room Part Plan and Section D-D as existing
KSG/0424/02 – Court Room South elevation and Sections A-A, B-B and C-C as existing
KSG/0424/03 – Court Room West and East Elevations as Existing
KSG/0424/04 Rev. A – Court Room Part Plan and South elevation as proposed
KSG/0424/05 – Court Room West and East elevations as proposed
KSG/GFP/E – Ground Floor Plan as Existing
KSG/GFP/P – Ground Floor Plan as Proposed
Heritage Statement amended 12th August V2
Cover Letter

Superseded Documents:

~~KSG/0424/04 – Court Room Part Plan and South elevation as proposed~~
~~Heritage Statement~~
~~Heritage Statement Amended 10th March~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20260028	Application for Listed Building Consent; Repositioning of Ground Floor Staircase to Mezzanine.	Pending Consideration	
20250243	Change of use to mixed use including performing arts theatre, performing arts instruction/teaching, public activities, nursery and children's activity centre, after-school club, and cafe/canteen	Permitted	02.03.2026
20260087	Installation of a traditional retractable external awning.	Application Refused	17.03.2026
20260088	Application for Listed Building Consent; Installation of a	Application	17.03.2026

	traditional retractable external awning.	Refused	
20260089	Advertisement Consent for installation of external signage identifying the premises as THE LITTLE THEATRE.	Application Refused	13.03.2026
20260029	Application for Listed Building Consent; Installation of external illuminated fascia signage.	Application Refused	09.03.2026
20170642	Application for Listed Building Consent for the Retention of completed temporary mechanical and electrical refurbishment works	Permitted	11.06.2018
20100541	Change of use of former Court House (D1) to mixed use comprising cafe, meeting room, counselling rooms, open yoga area, offices, exhibition/court room, recording studio, installation of mezzanine floor to provide additional office space and demolition of cell block within central courtyard.	Permitted	24.05.2011

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- King Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed

building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Conservation Officer (Verbal Comments)

A condition requiring building recording and submission to the Kent HER following the Historic England Guidance in their publication "Understanding Historic Buildings A Guide to Good Recording Practice" the recording is to follow Level 3 following items listed in 4.3.3 items 2-12, 4.4.8 items 1-4, 4.5.2 items 1-4

I recall we discussed the canopy over the judge's seat and asked if it could be relocated to another part of the building. Not sure this is possible because the other large rooms were to become studios as well. I

recall a set of drawings showing a sound room being located at high level at the back of the main court room hall and wonder if it could be hung on the outside of that - literally facing its existing location. If you don't have time to go back with this question, then can it be conditioned to require an option appraisal to look at its relocation? The drawings show enough detail for the proposals and are acceptable without conditions.

National Amenity Society

Proposal: Removal of raised platform, Judge's bench and remaining court furniture and alterations to Judge's canopy. Construction of panelling between existing (retained panelling) and lower floor level following removal of platform. Construction of steps between court room and adjoining studio to address change in level following removal of platform.

Statutory Remit: Historic Buildings & Places (formerly the AMS) is a consultee for Listed Building Consent applications, as per the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021. We are concerned with historic assets of all types and all ages, including conservation areas and undesignated heritage.

Comments: Thank you for notifying HB&P of the above application for listed building consent.

The former court was designed by was designed by Thomas Sorby in 1869, when in his then role as surveyor to the Crown for County Courts. Sorby was responsible for a number of police and court buildings across the country, as well as other ecclesiastical and civic buildings. The courthouse at Gravesend Court reflects elements of the gothic revival style that he typically applied for this building type.

While HB&P welcome introduction of a new use to this vacant building, we are concerned about the loss of the remaining courtroom fittings, which are integral to the original design and original use of this grade II listed heritage asset. The loss of the other furniture and fittings has already harmed the integrity of the original courtroom, however, the main dais and canopy allows the original form and function to be understood.

HB&P would encourage consideration of further options for a lesser scheme of removals. Subject to further design work, we would consider reducing the footprint of the lower dais (court reporters desk level) and reorganising the stairs, which would enable the retention of the judge's see and canopy, the main focus of the court room.

If council is minded to approve the application, a thorough digital recording should be required for submission to the Kent Historic Environment Record.

Policy: Chapter 16 of the NPPF (2023), particularly paragraph 205, that states: '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'.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Neighbouring properties

Site and press notices - overall consultation expiry date was 20.12.2024 – no responses received.

Officer's Analysis

The site is located in the King Street Conservation Area and is a Grade II Listed building. The building was formerly used as a courthouse and retains a number of historic architectural features which contribute to its significance.

Its List entry is shown below:

Details 1. 5277 KING STREET (South Side) No 26 (County Court) TQ 6474 SE 1/113 II 2. Dated 1870. 1 storey ashlar with stone dressings. Slate roof. Balustrade with quatrefoil motif. Triglyph frieze. 4 coupled pilasters. 2 round-headed doorcases with decorated spandrels. Double doors. Fanlights having swag moulding incorporating the date. Plinth. 3 pointed mullioned windows, 2 with 2 lights and the centre one with 3. Listing NGR: TQ6481374131

Under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The proposals contain several elements. However, for clarity the canopy and brackets would be retained in situ following negotiations with the planning agent and applicant alongside amended description of works. Retention of this element is considered to be a non-negotiable part of the scheme as its complete loss alongside the judges furniture would almost entirely remove the historical character of the judges courtroom.

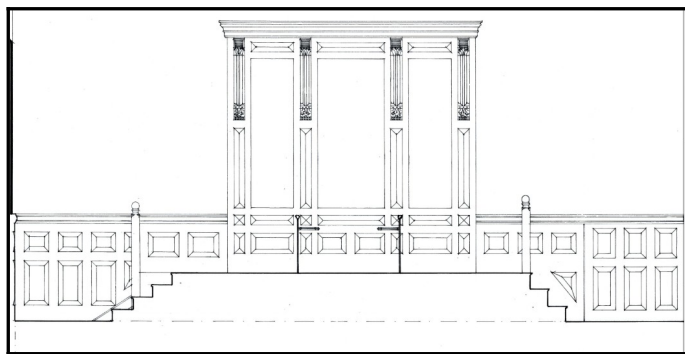


Case Officer Photograph taken in 2023

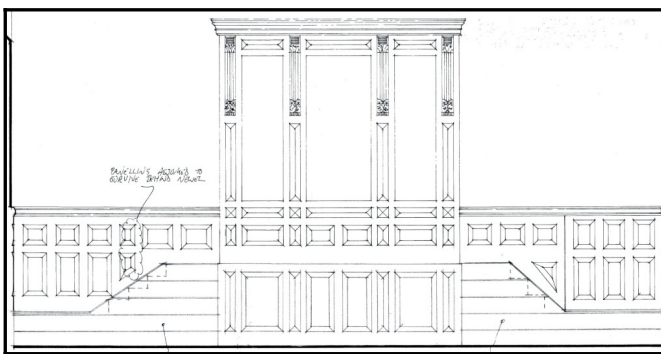
The works which would be undertaken as part of this application if approved are as follows:

- Removal of raised platform.
- Removal of the Judge's bench.
- Removal of any remaining court furniture.
- Construction of panelling between existing (retained panelling) and lower floor level.
- Construction of steps between court room and adjoining room.

As can be seen clearly on the southern elevation, the judges furniture would be removed with the platform, which would create a 'gap' in the panelling on this rear wall. Therefore low level panelling would be implemented to cover this gap and integrate with the existing panelling on this wall.



Existing South Elevation

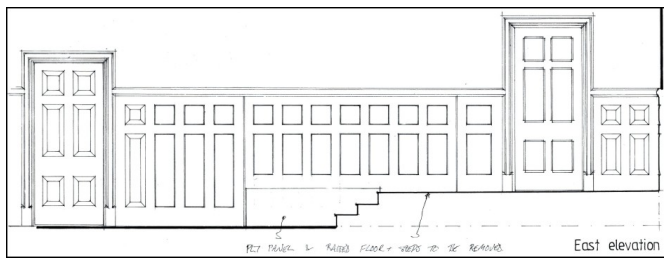


Proposed South Elevation

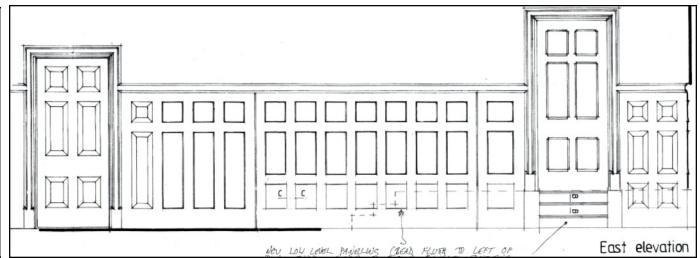
On the Eastern wall of the old court room, the lowered platform would require integrated panelling as well. In addition a small staircase would be required as the removal of the platform would create an elevated



doorway with an unreasonable height, which would make the door impossible to use without the addition of the stairs.

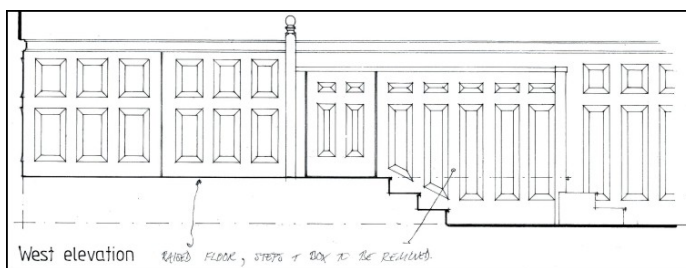


Existing East Elevation

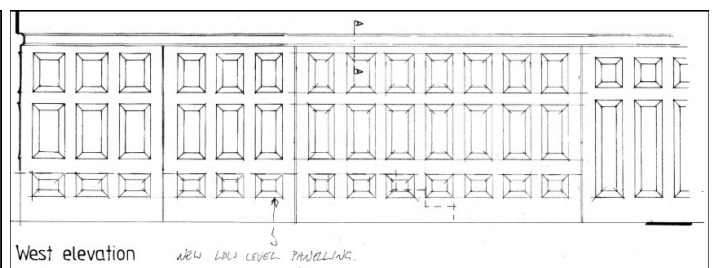


Proposed East Elevation

The West wall would again be impacted by the platform as further panelling would be required to integrate the lower portion of the wall into the existing panelling.



Existing West Elevation



Proposed West Elevation

Paragraph 212 of the NPPF (2024), states:

212. 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.

It is considered that the proposed works would lead to substantial harm. On this basis, Paragraph 214 of the NPPF is as follows:

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or 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.*

The former County Courthouse closed officially in 2008. The Grand operated a community hub from 2012-2013 from the site, and in 2022 it moved to an alternative location. It is evident from site visits that the building has fallen into significant disrepair. The associated and most recent application at this site permitted under ref 20250243 is for 'Change of use to mixed use including performing arts theatre, performing arts instruction/teaching, public activities, nursery and children's activity centre, after-school club, and cafe/canteen'. The proposed removal of the judge's furniture is intended to enable the use of the

court room as the main performance area for this use. In this case, the site has been vacant for a number of years, no viable alternative use has come forth despite the ownership of the site changing hands twice since the community hub moved. It is likely that a non-public use, such as residential use would be unviable based on the layout and form of the building without significant harm to the Listed building. As such and given the 4 year lack of use of the site from the court room closing, to the community hub closing and the now current 4 year closure once again, it is clear that no medium-term viable use has been found and no grant-funding or some form of not for profit, charitable or public ownership has come forth. The Grand itself was a registered charity and non-profit organisation, but clearly as evidenced by its relocation, the site was no longer appropriate for their needs. Given that the site has fallen into disrepair the harm to the building by the loss of the judges furniture and platform would be outweighed by bringing the site into use. It is also noted that a performing arts theatre would have a public benefit. However, it is noted that the judge's furniture is a high value item in terms of historical value in this court context. Complete loss with permeance of the furniture itself would be an avoidable harm. Therefore, a condition would be included which would ensure that the court furniture shall be retained furthermore in adequate storage conditions after careful removal, so that it may be reused in future within the building. In addition, photographic recording would be required as a planning condition.

It is therefore considered that subject to conditions the proposed works would not cause any harm to the significance of this grade II listed building and would help bring the building into use again, which in turn would encourage its maintenance for the future. In respect of listed building impact the proposal is therefore considered compliant with Policies CS19 and CS20 (LPCS) and saved Policies TC2 and TC3 (LPFR).

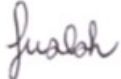
Conclusion

The proposed development would comply with paragraph 214 of the NPPF, demonstrating that the substantial harm resulting from the development would be acceptable, as the nature of the heritage asset prevents all reasonable uses of the site, no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

Recommendation

The proposed works subject to conditions would protect the architectural and historic interest of this grade II listed building and as such are compliant with Policies CS19 and CS20 (LPCS), saved Policy TC2 and sections 12 and 16 of the NPPF (2024).

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	12 th August 2026	Dated:	13 August 2026