Old Gate - Position Paper

1.0 Background

1.1 Concern has been raised about the condition of the Old Gate on Old Gate Road, Faversham, (Historic England List Entry 1069426).

2.0 Heritage, Buildings and Creek Committee

2.1 HBCC has considered the Old Gate at the following meetings:

05/06/24

10. It was proposed by Cllr P Cook seconded by Cllr J Rowlands and on being put to the meeting, it was ***RESOLVED that Cllr P Cook will visit the gate and provide a report.***

04/09/24

30. (17) The committee had not received a report from Cllr P Cook and members were growing increasingly concerned about the condition of the Old Gate.

It was proposed by Cllr J Rowlands, seconded by Cllr R Crayford and on being put to the meeting it was ***RESOLVED that the concerns of the Committee should be raised with enforcement at SBC. (1)***

05/02/25

56. It was proposed by Mr H Goodwin, seconded by Cllr T Martin and on being put to the meeting it was ***RESOLVED that SBC should be asked to provide an update at six monthly intervals (the first being 18/05/24). (5)***

02/07/25

110. Members received the quote from Bridgers Law to investigate ownership of the gate on Old Gate Road.

It was proposed by Cllr P Cook, seconded by Cllr R Newman and on being put to the meeting it was ***RESOLVED to defer decision to engage Bridgers law pending Cllr P Cook investigating policy and procedure of the Building at Risk Register and the implications of the structure being listed on it.***

[Office Note: Not in 25/26 budget. Has been passed to Town Clerk for consideration 26/27 budget]

03/09/25

123. Members received the correspondence from Swale Borough Council regarding ownership of the Old Gate which remanded inconclusive. (9)

It was proposed by Cllr P Cook, seconded by Cllr R Newman and on being put to the meeting it was ***RESOLVED to report the structure is at risk to Historic England. (10)***

[Letter resent (by email) directly to Heritage at Risk Projects Officer (London and South East Region) on 23/12/25]

07/01/26

It was proposed by Cllr J Rowlands, seconded by Cllr C Gibson and on being put to the meeting it was ***RESOLVED that the Deputy Town Clerk would raise ownership of the Old Gate with Crown Estate.***

Response received from BV companies 12/01/26 ***(11)***

15/01/25 Town Clerk confirms that the determination of ownership should be referred to Bridgers Law.

3.0 Documents Attached to Position Paper

06/09/24 – Email DTC to SBC **1**

13/09/24 – Email SBC to DTC **2**

23/10/24 – Email SBC to DTC **3**

18/10/24 – Letter DTC to Historic England **4**

06/11/24 – Email SBC to DTC **5**

08/11/24 – Email Historic England to DTC **6**

23/05/25 – Email SBC to DTC **7**

25/07/25 – Emal SBC to DTC **8**

07/07/25 – Email SBC to DTC **9**

09/09/25 – Letter DTC to Historic England **10**

12/01/25 – Email from BV Companies **11**

1.

Adrienne Begent

From: Adrienne Begent
Sent: 06 September 2024 14:50
To: Planning Investigations (SBC)
Cc: Laura Boozer
Subject: Old Gate Road
Attachments: K278761_Land_at_Old_Gate_Road.pdf; K278761_Land_at_Old_Gate_Road_PLAN.pdf; K725776_12_Stephens Close.pdf; K725776_12_Stephens Close_PLAN.pdf; Original Gate.jpg; Modern Gate.jpg

Dear Laura

Members of Faversham Town Council are growing increasingly concerned about the condition of the Listed Gate Structure on Old Gate Road.
They are concerned about the deterioration of a Grade 2 structure and also the potential risk to members of the public.

https://historicengland.org.uk/listing/the-list/list-entry/1069426?section=official-list-entry

I attach the relevant Lane Registry Documents.

I also attach two photographs. I can't find any application for the newer gate that has been put in the wall.?

I shall look forward to hearing from you.

Kind regards

Adrienne

Adrienne Begent, BA (Hons)
Deputy Town Clerk
Principal SLCC

Faversham TOWN • COUNCIL

Faversham Neighbourhood Plan

A Civility & Respect Pledge Council

Faversham Town Council, 12 Market Place, Faversham, Kent ME13 7AE

T: 01795 503286
E: Adrienne.Begent@favershamtowncouncil.gov.uk
www.favershamtowncouncil.gov.uk

2.

Adrienne Begent

From: Planning Investigations (SBC) <PlanningInvestigations@Swale.gov.uk>
Sent: 13 September 2024 12:09
To: Adrienne Begent
Cc: Laura Boozer
Subject: RE: Old Gate Road

Good afternoon Adrienne

I refer to your recent email to Planning Investigations and Laura Boozer.

I will seek the advice of the Heritage Team regarding the condition of the wall and enquire as to whether they think it requires repairs or remedial action. The gate and posts do not appear to be attached to the listed wall, and are set to the front, so it may be the case that it is permitted development under Schedule 2, Part 2, Class A – gates, walls, fences. I note from Google Streetview dated July 2009 that the previous gate was stained, but as the gate probably benefits from permitted development rights we would have no control over its appearance.

I will get back to you when I hear from the Heritage Team

Kind Regards

Paul Casey | Team Leader – Planning Investigations | Place Services
Swale House East Street Sittingbourne Kent ME10 3HT | Tel: 01795 417244

Please note that case officers are available for public telephone contact on Wednesday mornings between 9:30 and 12:30.

Swale BOROUGH COUNCIL
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Access planning services online at: www.swale.gov.uk/planning-and-regeneration or submit an application via www.planningportal.co.uk

From: Adrienne Begent <adrienne.begent@favershamtowncouncil.gov.uk>
Sent: Friday, September 6, 2024 2:50 PM
To: Planning Investigations (SBC) <PlanningInvestigations@Swale.gov.uk>
Cc: Laura Boozer <LauraBoozer@Swale.gov.uk>
Subject: Old Gate Road

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Laura

Members of Faversham Town Council are growing increasingly concerned about the condition of the Listed Gate Structure on Old Gate Road.
They are concerned about the deterioration of a Grade 2 structure and also the potential risk to members of the public.

3.

Adrienne Begent

From: Paul Casey <PaulCasey@Swale.gov.uk>
Sent: 23 October 2024 09:03
To: Adrienne Begent
Subject: RE: Old Gate Road

Dear Adrienne

The Design and Heritage Manager visited the site on 16 September and I now have his report on the Gateway and Wall.

In short, from those areas visible from public areas from Old Gate Road, it would appear the wall is in a deteriorating condition, however the wall from the sections inspected do not appear in danger of immediate failure, but we will ask Building Control to inspect it from a structural/danger perspective.

Ownership is unclear, as the land registry for the adjoining property 12 Stephens Close contains a note under the property register stating *The site of the old wall and ancient gateway between the points A-B on the filed plan are not included in the registration.* The adjoining owner of the estate road, A Beaumont (Bexleyheath) Ltd, went into liquidation in 1965, and our letter to the liquidator has been returned as gone away. I will contact KCC Highways to see if they are now responsible for its upkeep.

I will keep you updated, and this may take some time to reach a conclusion if we are unable to find the person(s) responsible for the maintenance of the wall.

Kind Regards

Paul Casey | Team Leader – Planning Investigations | Place Services
Swale House East Street Sittingbourne Kent ME10 3HT | Tel: 01795 417244

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From: Planning Investigations (SBC)
Sent: Friday, September 13, 2024 12:09 PM
To: 'Adrienne Begent' <adrienne.begent@favershamtowncouncil.gov.uk>
Cc: Laura Boozer <LauraBoozer@Swale.gov.uk>
Subject: RE: Old Gate Road

Good afternoon Adrienne

I refer to your recent email to Planning Investigations and Laura Boozer.

I will seek the advice of the Heritage Team regarding the condition of the wall and enquire as to whether they think it requires repairs or remedial action. The gate and posts do not appear to be attached to the listed wall,

4.

Faversham
TOWN • COUNCIL

DEPUTY TOWN CLERK – MISS ADRIENNE BEGENT
Faversham Town Hall, 12 Market Place, Faversham, Kent, ME13 7AE
Telephone: 01795 503286 Email: Adrienne.Begent@favershamtowncouncil.gov.uk

18th October 2024

Historic England
4th Floor
Cannon Bridge House
25 Dowgate Hill
London EC4R 2YA

Dear Sir

List Entry: 1069426

The Members of Faversham Town Council are growing increasingly concerned about the condition of the Listed Gate Structure on Old Gate Road.

They are concerned about the deterioration of a Grade 2 structure and the potential risk to members of the public.

The matter has been raised with Swale Borough Council (SBC).

Please find enclosed the Official List Entry, Photograph of Gate, Title Register and Plans for K725776 and K278761.

The Members would be grateful if you would investigate the matter.

I shall look forward to hearing from you.

Yours faithfully,

Miss Adrienne Begent
Deputy Town Clerk

c.c Mr Paul Casey, Team Leader, Planning Investigations, SBC

FAVERSHAM
MARKET TOWN OF KINGS

Adrienne Begent

5.

From: Paul Casey <PaulCasey@Swale.gov.uk>
Sent: 06 November 2024 09:33
To: Adrienne Begent
Subject: RE: Old Gate Road

Dear Adrienne

The Building Control Surveyor has visited the site and advised that the wall does not appear to be in immediate danger to the public. They will continue to monitor the wall. From a planning enforcement perspective, the appearance is not visually detrimental to the amenity of the area.

I would be grateful if you could share Historic Englands response in due course.

Kind Regards

Paul Casey | Team Leader – Planning Investigations | Place Services
Swale House East Street Sittingbourne Kent ME10 3HT | Tel: 01795 417244

Please note that case officers are available for public telephone contact on Wednesday mornings between 9:30 and 12:30.

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From: Paul Casey
Sent: Thursday, October 24, 2024 9:31 AM
To: Adrienne Begent <adrienne.begent@favershamtowncouncil.gov.uk>
Subject: RE: Old Gate Road

Dear Adrienne

Building Control replied shortly after I sent my email and they have a file on this site, and will confirm with the Manging Surveyor if a follow up inspection is required to check for any deterioration. (if dangerous and a risk to the public)

I will keep you updated.

Kind Regards

Paul Casey | Team Leader – Planning Investigations | Place Services
Swale House East Street Sittingbourne Kent ME10 3HT | Tel: 01795 417244

Please note that case officers are available for public telephone contact on Wednesday mornings between 9:30 and 12:30.

6.

Adrienne Begent

From: Garcia, Sarah <Sarah.Garcia@HistoricEngland.org.uk>
Sent: 08 November 2024 13:51
To: Adrienne Begent
Subject: GATEWAY AND WALL ENCLOSING GARDENS OF NOS 9 TO 12 STEPHENS CLOSE.

Dear Adrienne

I am emailing in response to your letter of the 18th October regarding concerns for GATEWAY AND WALL ENCLOSING GARDENS OF NOS 9 TO 12 STEPHENS CLOSE.

Thank you for writing to us with your concerns. Grade II listed buildings and structures are in the care of the local authority, therefore Swale BC would be the best place to discuss the building and to ensure it does not fall into disrepair.

As a quick guide, our role is as the Government's lead advisory body for the historic environment and we have a statutory role in the planning system. We offer advice to local authorities and government departments on development proposals that affect scheduled monuments, listed buildings, registered parks and gardens and conservation areas, guided by the Conservation Principles framework.

I am sorry we are unable to help you further on this occasion but thank you for writing to us.

Kind Regards,
Sarah Garcia

Sarah Garcia
Business Officer | London & South East Regions Group

Historic England | 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA
Sarah.Garcia@HistoricEngland.org.uk

Please note my working days are Tuesdays, Thursdays and Fridays, 9.00am – 2.30pm.

Historic England

Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.
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7.

Adrienne Begent

From: Adrienne Begent
Sent: 23 May 2025 10:29
To: Paul Casey
Subject: Listed Gate Structure - Old Gate Road 1069426

Dear Paul

I write further to our correspondence in November 2024 when you confirmed that Building Control surveyors will carry out regular visits to monitor the wall.

Six months have passed since our correspondence and the Members of the Town Council's Heritage, Buildings and Creek Committee have asked me to write to enquire when the Gate was last inspected and it's condition?

You will recall that ownership of the wall is unclear. In your email of 23rd October you informed me that you were going to contact KCC Highways to see if they are now responsible for its upkeep. Have you received a response form them?

I shall look forward to hearing from you.

Kind regards

Adrienne

Adrienne Begent, BA (Hons)
Deputy Town Clerk
Principal SLCC

Faversham TOWN • COUNCIL

Faversham Neighbourhood Plan

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LOCAL COUNCIL AWARD SCHEME GOLD

Faversham Town Council, 12 Market Place, Faversham, Kent ME13 7AE

T: 01795 503286
E: Adrienne.Begent@favershamtowncouncil.gov.uk
www.favershamtowncouncil.gov.uk

8.

Adrienne Begent

From: Paul Casey <PaulCasey@Swale.gov.uk>
Sent: 27 May 2025 08:59
To: Adrienne Begent
Subject: RE: Listed Gate Structure - Old Gate Road 1069426

Good Morning Adrienne

The inspections are carried out by Building Control under the building safety acts, and we have no control or influence over this. STG Building Controls website for dangerous structures is available here: https://www.stgbc.org.uk/services/public-protection/ along with the contact details.

Highways have confirmed that they do not own the land or have any responsibility towards its maintenance.

Kind Regards

Paul Casey | Team Leader – Planning Investigations | Place Services
Swale House East Street Sittingbourne Kent ME10 3HT | Tel: 01795 417244

Please note that case officers are available for public telephone contact on Wednesday mornings between 9:30 and 12:30.

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From: Adrienne Begent <adrienne.begent@favershamtowncouncil.gov.uk>
Sent: Friday, May 23, 2025 10:29 AM
To: Paul Casey <PaulCasey@Swale.gov.uk>
Subject: Listed Gate Structure - Old Gate Road 1069426

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Dear Paul

I write further to our correspondence in November 2024 when you confirmed that Building Control surveyors will carry out regular visits to monitor the wall.

Six months have passed since our correspondence and the Members of the Town Council's Heritage, Buildings and Creek Committee have asked me to write to enquire when the Gate was last inspected and it's condition?

You will recall that ownership of the wall is unclear. In your email of 23rd October you informed me that you were going to contact KCC Highways to see if they are now responsible for its upkeep. Have you received a response form them?

9.

Adrienne Begent

From: Kieren Mansfield <KierenMansfield@Swale.gov.uk>
Sent: 07 July 2025 11:52
To: Adrienne Begent
Subject: RE: Old Gate Road

Hi Adrienne

We found some record of this being looked at pre-pandemic, with the following information included.....

The wall and ancient gateway are not included within the ownership of either the Borough Council or 12 Stephens Close. It would appear that the wall remained in the ownership of the developer, A Beaumont (Bexleyheath) Limited, who went into liquidation in 1965. The appointed liquidator at that time was Anthony Harry Hart of 21 College Hill, Cannon Street, London EC4.

We are not aware that the Council has been responsible for maintaining this wall in the past although I understand that it has been suggested by the neighbour that the Council maintains it. There are no recent maintenance records of the Council carrying out any works.

In these circumstances it may be that the ownership now rests with the Crown Estate but it was suggested that you obtain further legal advice to establish who is responsible for maintaining this listed asset.

Kieren Mansfield | Strategic Programmes and Asset Manager | Place Services
Swale House, East Street, Sittingbourne, Kent, ME10 3HT |
Phone: 01795 417262
Web: www.swale.gov.uk

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Swale Borough Council is committed to tackling the causes and effects of climate change. Please do not print this email unless absolutely necessary.

I have sent this email at a time that is convenient for me. Please do not feel any need to respond to it outside of your normal business hours.

From: Adrienne Begent <adrienne.begent@favershamtowncouncil.gov.uk>
Sent: 05 July 2025 12:16
To: Kieren Mansfield <KierenMansfield@Swale.gov.uk>
Subject: FW: Old Gate Road

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Hi Kieran

10.

Faversham
TOWN • COUNCIL

DEPUTY TOWN CLERK – MISS ADRIENNE BEGENT
Faversham Town Hall, 12 Market Place, Faversham, Kent, ME13 7AE
Telephone: 01795 503286 Email: Adrienne.Begent@favershamtowncouncil.gov.uk

9th September 2025

Historic England
4th Floor
Cannon Bridge House
25 Dowgate Hill
London EC4R 2YA

Dear Sir,

List Entry: 1069426

The Members of Faversham Town Council are increasingly concerned about the condition of the Listed Gate Structure on Old Gate Road (List Entry: 1069426) and request that it be placed on the Building at Risk Register as a matter of urgency.

In addition to the ongoing deterioration of this Grade II structure, there are concerns that it may pose a risk to members of the public. The Town Council has been unable to determine ownership, as the structure appears to fall between two registered titles (K725776 & K278761). In my previous correspondence with Swale Borough Council, they suggested that the Crown Estate may now be the owner.

The matter has also been raised with Swale Borough Council (SBC).

Please find enclosed the Official List Entry, a photograph of the gate, Title Registers and plans for K725776 and K278761, and an email from Swale Borough Council (07/07/25).

The Members would be grateful if you could investigate this matter and advise on the appropriate next steps.

I look forward to your response.

Yours faithfully,

Miss Adrienne Begent
Deputy Town Clerk

FAVERSHAM
MARKET TOWN OF KINGS

11.

Adrienne Begent

From: Michael Curd <Michael.Curd@governmentlegal.gov.uk> on behalf of Bv Companies <BvCompanies@governmentlegal.gov.uk>
Sent: 12 January 2026 17:43
To: Adrienne Begent
Subject: Old Gate Structure - Old Gare Road, Faversham, Kent, ME13 7SS

Dear Ms Begent,

Thank you for your e-mail this afternoon, with its attachments.

On the basis of the documents provided so far it appears there is no evidence that any land or property has vested in the Crown as bona vacantia so the Treasury Solicitor will take no further action in the matter. Land where no owner can be identified does not automatically mean that it has vested in the Crown as bona vacantia. From our perspective the Division needs to see some form of positive evidence that the land is bona vacantia – it is not enough that no owner can be identified. In some cases of unregistered land such evidence can be difficult or impossible to obtain; so I regret we cannot say whether the land is bona vacantia.

If you can obtain any further information or documents that may suggest a bona vacantia interest (e.g. copy Conveyance, Transfer, examined abstract of title) then please refer the matter back to us.

I regret that we cannot be of any further assistance in this matter.

Kind regards

BV Companies
Bona Vacantia Division (BVD), Government Legal Department (GLD)
1 Ruskin Square, Croydon CR0 2WF
Telephone: 0207 210 4700
Fax: 020 7210 3104
bvcompanies@governmentlegal.gov.uk
a copy of our Privacy Notice can be found here:
https://www.gov.uk/government/organisations/bona-vacantia/about/personal-information-charter

From: Adrienne Begent <adrienne.begent@favershamtowncouncil.gov.uk>
Sent: 12 January 2026 15:50
To: Bv Companies <BvCompanies@governmentlegal.gov.uk>
Subject: RE: Old Gate Structure - Old Gare Road, Faversham, Kent, ME13 7SS

Dear Sir

Thank you for your prompt reply.

1) I can find no record of the dissolution of the company at Companies House or the National Record Office
2) The Old Gate Structure does not have a separate listing on the Land Registry. I attached a map of Cadastral Parcels in the area. The Land Registry documents for K725776 and K278761 clearly exclude the structure. We have therefore been unable to find the owner at it was suggested by the Planning Authority (Swale Borough Council) that ownership may therefore have been transferred to Crown Estates.

I have put a pink Asterix on the map which indicates to location of the Old Gate Structure. I also attached the Listed Building entry and the photograph.

I would be grateful if you would no confirm if the structure in under the ownership of the Crown Estate.

Kind regards

Adrienne

From: Bv Companies <BvCompanies@governmentlegal.gov.uk>
Sent: 08 January 2026 15:57
To: Adrienne Begent <adrienne.begent@favershamtowncouncil.gov.uk>
Subject: Old Gate Structure - Old Gare Road, Faversham, Kent, ME13 7SS

Good afternoon,

Thank you for your email.

So that we can consider the matter, I should be grateful if you would e-mail your response to **bvcompanies@governmentlegal.gov.uk** and provide PDF copies of:

1) evidence of the dissolution of the company. This should include, please, details of the company's full name, the date when it was dissolved and the company's last registered address; and
2) official copy Register entries and Title plan to the property which you believe was owned by the dissolved company.

Many thanks

BV Companies
Bona Vacantia Division (BVD), Government Legal Department (GLD)
1 Ruskin Square, Croydon CR0 2WF
Telephone: 0207 210 4700
Fax: 020 7210 3104
bvcompanies@governmentlegal.gov.uk
a copy of our Privacy Notice can be found here:
https://www.gov.uk/government/organisations/bona-vacantia/about/personal-information-charter

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From: Adrienne Begent <adrienne.begent@favershamtowncouncil.gov.uk>
Sent: 08 January 2026 15:42
To: Bv Companies <BvCompanies@governmentlegal.gov.uk>
Subject: Old Gate Structure - Old Gare Road, Faversham, Kent, ME13 7SS

Dear Sir/Madam,

I am writing to request confirmation regarding the ownership and current management of a property known as Old Gate, located at Old Gate Road, Faversham, Kent, ME13 7SS.