
Summary of Proof of Evidence

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Discipline: Planning

Prepared for: The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge & Catesby Strategic Land Ltd

Site: Land at Moat Road, Headcorn

LPA: Maidstone Borough Council

Planning Application Reference: 23/504471/OUT

Appeal Reference: APP/U2235/W/24/3351435

Appeal Proposal: Outline application (with all matters reserved except access) for the development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, provision of shelter to replace curtilage listed building, emergency/pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).

- 1.1. This document summarises the Proof of Evidence (“PoE”) as prepared by me, Charlie William Collins, on behalf of the Appellants in support of a Planning Appeal relating to Land at Moat Road, Headcorn, hereafter referred as ‘the Site’. My PoE is the Planning evidence prepared in support of the Appeal Proposal. This Appeal responds to the refusal of Outline Planning Permission by Maidstone Borough Council (MBC) on 29 April 2024 (reference: 23/504471/OUT).
- 1.2. **Sections 1 to 3** of my PoE provide my personal statement, an introduction to the case for the Appellants and relevant background to the original planning application and the Appeal. In addition a Site description is provided noting in particular, the relevant physical, landscape and heritage features.
- 1.3. **Section 4 (Previous Development Plan)** notes that the Appeal Site was previously designated in the countryside in the Former Maidstone Local Plan (MLP) (2017). The Site, along with Headcorn village has always been in the Low Weald Local Landscape Value (LLV). I outline that the Officer’s Report was flawed as it provided weight to the now superseded elements of the former Development Plan. The Decision Notice was issued post the adoption of the new and up to date Local Plan Review (LPR) (2024), despite this, policies from the Former MLP formed part of the original reasons for refusal on the Decision Notice. Thus I have included analysis on the Former MLP in my PoE. I note that MBC’s Statement of Case provided an update to the Reasons for Refusal, and base my evidence on these reasons.
- 1.4. **Section 5 (Development Plan)** notes the comprehensive evidence base contributing to the LPR including the allocation of the Appeal Site – policy SA310. I provide analysis of the compliance with the various parts to SA310. I note that no elements of the Former MLP ‘saved’ policies are material for the Appeal Proposal. I provide a history of the promotion of the Site for development, commencing in 2019 through to the eventual adoption of the LPR in 2024. I note for example the Site had originally been promoted for 150 dwellings, and draft allocated for 127 dwellings. The adopted policy sought approximately 110 dwellings. I note, that owing to the evidence base, for example the SA, it cannot be concluded that the LPR is “landscape blind”. I also note two other relevant and recent appeal decisions on land at Yalding (Appeal Ref: APP/U2235/W/24/3344070) and Marden (Appeal Ref: APP/U2235/W/24/3346817). The Appeal Proposal is the third appeal, made in outline, on an allocated site in a matter of months.
- 1.5. I relate the relevant LPR policies to the Appeal Proposal and the Reasons for Refusal. I note that the Rural Service Centres are the next tier of the settlement hierarchy (below Maidstone town) and the delivery of the Appeal Proposal would support Headcorn’s role as a Rural Service Centre, as confirmed in LPR Policies SS1 and SP6. I note that SP6 confirms the allocation of the Site for approximately 110 dwellings.

I confirm that upon adoption of the LPR, the Site falls within Headcorn's Settlement Boundary and thus cannot be considered within the Countryside. I review the housing need and how the delivery of the Site will support this as per LPR Policy SP10. In respect of heritage, transport and landscape, I review the respective policies in turn confirming the Appeal Proposal accords with these policies.

- 1.6. Importantly, I consider each criterion of the allocation policy (SA310) confirming full compliance with the criterion that are relevant to the Appeal Proposal (noting it is an outline application). I refer to the Broomhill Decision letter (Appeal ref: APP/Z0116/W/22/3308537) which confirms that a Development Plan should be read as a whole and should be interpreted in a manner that is internally consistent so far as possible. Thus the interpretation and application of the criterion cannot render the allocation incapable of delivery in principle. Indeed, I conclude that the Appeal Proposal complies with the Development Plan as a whole and has very strong support for the development of the Site now.
- 1.7. **Section 6 (National Policy)** responds to the paragraphs of the National Planning Policy Framework (NPPF) referred to by MBC in the Reasons for Refusal. I note that MBC's Reasons for Refusal referred to the previous iteration of the NPPF (and relevant at the time of the Decision). I have responded in respect to the most recent NPPF published in December 2024. I conclude that the Appeal Proposal complies with national policy.
- 1.8. **Section 7 (Background)** notes the relevant planning history, noting the relationship between the Appeal Proposal and the previous outline application made on the Site (withdrawn in 2023) and the previously made submission for Listed Building Consent (refused in 2024). The Appeal Proposal was made to respond to the reasons why the previous application was withdrawn. A fresh Listed Building Application will be made shortly, as facilitated by the Appeal Proposal.
- 1.9. **Section 8.** The first Main Issue relates to Landscape, Character and Appearance in respect of Reason for Refusal 1. I rely on the evidence of Mr Mylchreest. I reiterate the Appellants case that by virtue of the allocation, a degree of harm and associated impact has been accepted. Thus the inevitable harm cannot result in a refusal of an outline scheme. I consider it relevant that the Low Weald LLV washes over the entirety of Headcorn, including its urban area, LPR allocations and former MLP allocations. The development of housing on the Appeal Site is not 'protected' given its statutory status as a housing allocation. I confirm that MBC and the Appellants are in agreement that 115 dwellings is within the tolerance provided by "approximately". I also include as an Appendix, design evidence from Mr Morgan which I rely. The densities proposed with 115 dwellings are acceptable in respect of the Policy HOU5 and the requirement to make efficient use of land. Finally, I conclude that the Appeal Proposal accords with LPR

policies HOU5, SP14(a) (part 1b), SP15 (parts 2, 6 and 7) and SA310 (parts 7 and 8) and also paragraphs 135 and 187 of the NPPF. MBC will retain full control over the detailed design and layout at the Reserved Matters Stage.

- 1.10. In **Section 9**, I consider the Reason for Refusal relating to the impacts associated with the demolition of the Curtilage Listed former Granary. I relay on the evidence of Ms Stoten. I acknowledge less than substantial harm to heritage factors. The Granary building is clearly in a poor state of repair, and indeed presently distracts from the local character (notably on Moat Road) rather than aids it. Whilst the harm is acknowledged, it is to the low end of the scale (as indicated by Ms Stoten), and is outweighed by the demonstrable public benefits of the Appeal Proposal as is permitted by paragraph 215 of the NPPF. The Appeal Proposal therefore complies with LPR policies SP14(b) (parts 2 and 4) and ENV1 (parts 1 and 4) and also the NPPF paragraphs 209, 210, 212, 213(a) and 215.
- 1.11. In **Section 10**, relating to Main Issue 3 and Reason for Refusal 3, I confirm that MBC is no longer contesting the open space requirements on site. I include an open space plan as an Appendix. This follows the Appellants agreement to include a 0.25Ha of Community Gardens and to agree to wet attenuation basins. This is to be secured via a suitably worded condition. I have therefore concluded that the Appeal Proposal complies with policies SP13 (parts 2 and 8(c)), SA310 (parts 25 and 26) and INF1 (parts 1 and 2) of the LPR.
- 1.12. **Section 11** relates to safe pedestrian and cycle access in respect of Reason for Refusal 4. I note that Kent County Council (KCC) (as Highways Authority) has no objection to the Appeal Proposal. I rely on the evidence of Mr Neale. The two strands of MBC's Reason for Refusal 4 relate to the secondary access to the north and the provision on Moat Road. I set out that the secondary access is only to be used by vehicles in extreme flooding events and during these times, the nature of the access route would ultimately give priority to pedestrians and cyclists. I confirm that there is sufficient room for both a vehicle and a pedestrian/cyclist to pass safely. The detail for this access is not sought as part of this outline application. Consequently, it cannot be argued that there is no secondary access can be achieved in principle because that is to question the allocation.
- 1.13. In respect of the pedestrian and cycle access on Moat Road to A274, I have outlined that this issue relates to off-site highway works which are not for determination. The Appellants assert that the Proposal is acceptable as agreed by the Highways Authority. I conclude that the Appeal Proposal complies with LPR policies SP12, SP15, SS1, and the relevant paragraphs of the NPPF.

- 1.14. **Section 12 (Other Matters)** within this section I consider any other relevant matters including, housing land supply, affordable housing, TPOs and representations to the application. Notably, it is poignant that following the introduction of a 5% buffer on the housing land supply, as per NPPF paragraph 78, MBC is not able to demonstrate a five year supply of housing land (analysis included as an Appendix). Moreover, the delivery of the Appeal Site is included within at year 5 within the trajectory informing the housing land supply calculations.
- 1.15. In **Section 13 (Planning Conditions and Obligations)** I confirm that a schedule of conditions and a S106 agreement will be agreed and provided as part of this Appeal. I also confirm that MBC is a CIL charging authority.
- 1.16. In **Section 14 (Core Planning Benefits)** I have outlined the core planning benefits of the scheme. I acknowledge that these differ to MBC as set out within the General Matters SoCG. Ultimately, the Appeal Proposal provides housing and affordable housing in accordance with the MBC's own Development Plan to assist in the delivery of much needed housing the a Borough. This alongside various contributions, provision of open space typologies, archaeological recordings and ecological enhancements demonstrates a multiple benefits of the Appeal Proposal, all ranging from considerations which should attract limited to substantial weight.
- 1.17. To conclude **Section 15 (Planning Balance & Conclusion)** summarises why the Appeal Proposal complies with the Development Plan when read as a whole. I reiterate that the Appeal Proposal is an outline proposal seeing only the principle of development and the details of the main access from Moat Road. I undertake the separate heritage balancing exercise and conclude that this should not weigh against the Proposal in the overall balance. I acknowledge that there are some limited harms but that these are inevitable impacts of the allocation. There are multiple benefits which further support the consent of the proposal as material considerations.

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