
Proof of Evidence of Charlie Collins MSc MRTPI

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).



Contents

1.	Personal Statement and Declaration	3
2.	Introduction	5
3.	The Appeal Site	9
4.	Previous Development Plan	11
5.	The Development Plan	14
6.	National Policy	41
7.	Background to the Appeal Proposal	46
8.	Main Issue 1: Landscape, Character and Appearance	49
9.	Main Issue 2: Heritage	54
10.	Main Issue 3: Public Open Space	57
11.	Main Issue 4: Safe Pedestrian and Cycle Access	58
12.	Other Matters	61
13.	Planning Conditions and Obligations	66
14.	Core Planning Benefits	67
15.	Planning Balance	68

Appendices

1. Savills - Technical Working on Five Year Housing Land Supply
2. Design Statement of Mr Peter Morgan by Thrive Architects Ltd
3. Open Space Performance Plan

1. Personal Statement and Declaration

1.1. My name is Charles William Collins ("Charlie"). I am a full Member of the Royal Town Planning Institute.

Qualifications and Experience

1.2. I hold a BSc Honours degree in Geography and Economics from the University of Reading and an MSc degree in Town Planning, from University College London. I have been in private practice since 2007, having started my career in Local Government in 2003.

1.3. I hold the position of Director with Savills (UK) Ltd, based in Guildford.

1.4. During my time in practice, I have been involved in a wide range of projects throughout the UK in which I have advised public and private sector clients on issues of planning policy, development management and design. My experience includes the preparation, submission and management of numerous planning applications, planning promotions and appeals.

1.5. My most recent planning experience on housing sites includes: -

- A Public Inquiry for a hybrid application in Sunbury-on-Thames (Spelthorne Borough), relating to a scheme comprising 136 extra care units (38 detailed and 98 outline), 28 close care units (detailed), a 60 bed care home (outline), an on-site village centre and medical facility;
- A Public Inquiry for 1,730 dwellings, 100 C2 use, 8x G&T pitches, local centre, employment, education, SANG and associated infrastructure, all comprising a new settlement on land at Wisley Airfield (Guildford Borough);
- A Hearing for a mixed use development of up to 300 residential dwellings including Extra Care/ Assisted Living accommodation, at Sandcross Lane in Reigate (Reigate and Banstead Borough);
- A Public Inquiry for 50 dwellings on land in Haslemere (Waverley Borough);
- A Public Inquiry for 111 dwellings on land in Haslemere (Waverley Borough);
- A Public Inquiry for circa 1,000 dwellings and a new Football Stadium, outdoor leisure facility in Woking (Woking Borough);
- The promotion of land for new settlements at Fair Oaks (Surrey Heath) and at Redhill Aerodrome (Reigate & Banstead Borough and Tandridge District).

The Appeal

1.6. I have been instructed to give evidence as an expert witness on this Appeal by Catesby Estates Plc (Catesby) and The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge. Together, these are the Appellants and are referred to as such in my evidence.

Proof of Evidence of Charlie Collins MSc MRTPI

Land at Moat Road, Headcorn. Appeal Reference: APP/U2235/W/24/3351435



- 1.7. My colleagues at Savills prepared and submitted the application, now the subject of this appeal, at the Site known as "Land at Moat Road, Headcorn" ("The Appeal Site or Site").
- 1.8. I confirm that my involvement with the Appeal Site began after the Appeal was lodged.
- 1.9. My colleagues have provided me with a briefing of the application and its history.
- 1.10. I am familiar with the relevant planning policy and guidance relating to the site, including the Development Plan, NPPF, Planning Practice Guidance, and other related planning matters pertaining to the Appeal.
- 1.11. My colleagues have provided me with a briefing of the application and its history. I have discussed the matter with them and with members of the professional team on multiple occasions to understand fully the merits of the application/appeal. Prior to agreeing to give evidence, I satisfied myself that I could support the Appeal Proposal, consistent with my professional obligations as a full Member of the Royal Town Planning Institute.

Declaration

- 1.12. The evidence I shall provide to the Inquiry as contained in this Proof of Evidence ('PoE') has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute. The opinions expressed are my true and professional opinions. In providing expert evidence to the Inquiry, I am fully aware that my duty is to the Inquiry and to provide my honestly held professional view, irrespective of by whom I am employed.

Name: Charlie Collins

Date: 29th January 2024

2. Introduction

- 2.1. I have prepared this PoE on behalf of The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge & Catesby Strategic Land Ltd (“The Appellants”) in support of a Planning Appeal under Section 78 of the Town and Country Planning Act 1990 (**CD 10.16**), and in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000/1624 (see Procedural Guide: Planning Appeals – England (updated 28 May 2024) (**CD 10.17**)).
- 2.2. The Appeal relates to Land at Moat Road, Headcorn (“the Appeal Site or Site”) (location plan at **CD 1.1**). It is an allocated site in the adopted Maidstone Local Plan Review 2024, (herein referred to as the “LPR”), allocated for residential development for “approximately 110 dwellings” by policy LPRSA310 (see **CD 6.1**). The appeal proposal seeks to deliver this allocation. For ease, I will refer to the LPR policies in this PoE without the ‘LPR’ reference.
- 2.3. Outline planning permission was refused on 29 April 2024, under application reference 23/504471/OUT (“The Application”) by Maidstone Borough Council (“MBC”) for a development described as follows:
- “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).”*
- 2.4. This is an outline application with all matters reserved save for access (meaning the points of access and not the internal road layout). There are two matters for determination: (i) the principle of development for up to 115 dwellings; and (ii) the detail of the access. As the site is allocated, the principle of development for approximately 110 homes is acceptable and supported by the Plan. The Appellant considers 115 homes is consistent with the allocation (a position supported by other recent appeal decisions in this Borough). The principle of access must also be acceptable, as there is no other location available to provide primary vehicular access to the Site and it is in accordance with policy SA310. There is no issue with the detail of the primary access and/or the accessibility and sustainability of the location. The Appeal Proposal also facilitates a very minor diversion of the PRoW (KH590) across the intended principal access to the Appeal Site. The remainder of the PRoW can remain the same, and will form a consideration for the Reserved Matters.
- 2.5. It should be emphasised from the outset that the principle of demolishing and replacing the Curtilage Listed structure (“the Granary”) with a shelter is being sought as part of this Appeal. The details on the design of the shelter will be sought at Reserved Matters. The proposed plans for the shelter that have been submitted with this Appeal are purely illustrative at this stage and have been updated via the evidence of Ms Stoten. I appreciate that the replacement building will require separate Listed Building Consent and a Reserved Matters submission. The Designated Heritage Asset is The Moat, and the Granary sits in its curtilage, though is now visually separated, and also separated by land ownership
- 2.6. Planning permission was refused for 6 reasons (Decision Notice at **CD 4.1**). They were not considered to be reasonable, given the status of the Development Plan at the time of determination. Perhaps in recognition of

that fact, MBC has since sought to change the reasons for refusal through its Statement of Case (**CD 5.2**). I have adopted the revised reasons for refusal from MBC's Statement of Case in this PoE.

2.7. My evidence demonstrates that planning permission should have been granted for the development described above, and that the reasons for refusal are not justified nor in accordance with the Development Plan. In reaching this conclusion, I have taken into account the evidence of the following key witnesses for the Appellants:

- Mr Charles Mylchreest (Landscape)
- Ms Gail Stoten (Heritage)
- Mr Dave Neale (Highways) (including any relevant technical updates)

2.8. I have also taken into account the Design Statement prepared by Mr Peter Morgan which is appended to my PoE (see **Appendix 2**).

Main Issues

2.9. The Inspector's Case Management Conference (CMC) outlined the following Main Issues for the Inquiry (**CD 5.4**):

- Landscape, Character and Appearance;
- Heritage;
- Public Open Space; and
- Highway Safety.

2.10. I consider that the Case may be summarised in two strands. Firstly, as outline planning permission is sought for up to 115 homes, whether the principle of the Appeal Proposal is established, and secondly, as detailed approval is sought for a new access from Moat Road, whether this is acceptable. Therefore, on balance whether the Appeal Proposal constitutes sustainable development (applying s.38(6), the Development Plan and the NPPF). The Appellant's case is that the Proposal complies with the Development Plan and should be consented *without delay* (s.38(6) and NPPF 11c). Material considerations further support the grant of consent. The Appeal Proposal comprises sustainable development in the terms of the NPPF.

Statements of Common Ground

2.11. A General Matters (Planning) Statement of Common Ground ("SoCG") has been agreed between the Appellants and MBC (**CD 5.8**). This addresses public open space provision, which is now agreed. It also confirms the plans for approval should the Appeal be allowed. In addition, topic specific SoCG have been agreed with MBC on Transport (**CD 5.7**), with Peter Radmall as Landscape Witness for MBC on Landscape considerations (**CD 5.6**) and MBC's Conservation Officer on Heritage matters (**CD 5.5**). I have referred to the relevant SoCG in my response to the Main Issues.

Procedural Matters

2.12. The following procedural matters are noted and are relevant to the details contained in my PoE.

Policy References

- 2.13. It has been agreed at the CMC between the parties that all references to LPR policies do not need to include their full title – removing the “LPR”. For example, LPRSA310 (the site allocation policy) is therefore referred to as “SA310” from this point onward in my PoE.

Updated Reports and Documents

- 2.14. As part of this Appeal, only a selected number of plans have been updated to support the case of the Appellants. A plan clarifying the area of open space was submitted with the Statement of Case (**CD 5.1**) and a further plan will follow as part of the agreement on the open space provision in the SoCG. Plans indicating the potential new building to replace the Curtilage Listed Building (new Granary Building) have been prepared and included in the PoE of Ms. Stoten. These are illustrative.
- 2.15. An updated bat survey (**CD 1.38**) was prepared by Aspect Ecology and submitted with the Appeal confirming that the subject barn is used by bats purely as a temporary feeding perch.

Listed Building Consent

- 2.16. Alongside the original planning application, permission for a replacement building at the Granary was sought. This was in the form of a shelter (see plan ref: THS-01 Rev A and **CD 2.2**), provided with the original application as illustrative (note as I outline in **Sections 7 and 9** the illustrative plans have been amended). Alongside this, a separate Listed Building application was made (ref: 23/505693/LBC). This separate application was refused on 8 February 2024, prior to the refusal of the Appeal Proposal. The Appeal Proposal is still seeking approval for the principle of the demolition / replacement of the Curtilage Listed structure, accepting that the detail is for future Reserved Matters, and a separate Listed Building application. The evidence of Ms Stoten includes some further and updated illustrative drawings of a potential replacement building.

Evidence structure

- 2.17. My evidence contained in the remaining sections of this PoE comprises the following: -
- **Section 3:** Provides a description of the Appeal Site including context, landscape and topography.
 - **Section 4:** Provides a summary of the previous, now superseded Development Plan.
 - **Section 5:** Summarises and assesses relevant Development Plan policies as they apply to the Appeal Proposal, including the background to the relevant evidence base informing the Local Plan Review, including the housing requirements for the borough.
 - **Section 6:** Sets out my comments on the NPPF and the PPG.
 - **Section 7:** Provides the background and history to the planning application leading the Appeal Proposal.
 - **Section 8:** Examines Main Issue 1 of Landscape, Character and Appearance of the area. This includes relevant planning policy arising from those considerations. This should be read alongside the professional evidence of Mr Mylchreest on Landscape and Mr Morgan on Design/ Architecture.



- **Section 9:** Examines Main Issue 2 relating to the curtilage Listed Building and supplements the professional Heritage evidence of Ms Stoten forming part of this Appeal.
- **Section 10:** Examines Main Issue 3 and Public Open Space provision within the development.
- **Section 11:** Examines Main Issue 4 Transport matters notably relating to access. This focuses on policy considerations and should be read alongside the professional evidence of Mr Neale on transport.
- **Section 12:** Explores any other planning issues arising in this appeal as a result of the Appeal Proposal.
- **Section 13:** Addresses planning conditions and planning obligations relevant to the Appeal Proposal where they are not already covered in the SoCG.
- **Section 14:** Sets out my conclusion on the core benefits arising from the Appeal Proposal, taking into account the details provided in my evidence and assessment of relevant policies and material considerations.
- **Section 15:** This final chapter provides the planning balancing exercise and my conclusions. This includes a balance on the heritage impact of development as required by the NPPF.

3. The Appeal Site

- 3.1. The Appeal Site is located within the defined settlement boundary of Headcorn. The red-line comprises 7.42ha. It lies on the western side of the village and is adjoined by both residential development and open countryside. The settlement boundary wraps around the south, west and northern site boundaries, joining up to the edge of Moat Road to the south and extending around existing residential development to the north where it covers part of Mill Bank (A274) (see **CD 6.1** for LPR Proposal/Policies Map extract). I have based my understanding of the context of the Appeal Site from the application material, online material and the PoE of Mr Mylchreest.
- 3.2. The context of the Site is fully detailed within the Design and Access Statement (“DAS”) and this includes photographs (**CD 1.8**). Further details are also contained within the Landscape Visual Impact Assessment (**CD 1.27**), the Planning Statement (**CD 1.10**) and Appellants Statement of Case (**CD 5.1**), in addition to the SoCG on General Matters (**CD 5.8**). I consider the Site to be on the urban fringe and, thus, it is both semi-urban and semi-rural in character. I refer to the topographical survey (**CD 1.40**) in relation to the site’s level change. The Site has not changed materially since the allocation of the site.
- 3.3. Whilst MBC has provided a description of the site in their Statement of Case (**CD 5.2**), I consider this is incomplete and potentially misleading, notably as there is no reference to the Site being within the defined settlement boundary, and there is no reference to the relationship of the site to the built up area or any features within it, with the exception of heritage which relates to the second Reason for Refusal (as per MBC’s Statement of Case). My description of the Site is the same as Mr Mylchreest, noting the following topographical features, when viewed from the centre of the site.
- North - The Site continues to rise as a slight undulation, to a ridge located around the northern site boundary. This abuts a new development constructed the past 5 years (“Catkin Gardens”).
 - East – The Site abuts built form/ gardens with clear views of the urban edge.
 - South - The Site is adjacent to Moat Road, which is of semi-rural character, becoming more urban on the existing edge of the village, with poorer character on the immediate edge of the site around the curtilage listed Granary building. The existing site access is from Moat Road.
 - West – The Site is more rural on the western side, with some views out to the open countryside, noting a strong line of existing vegetation.
- 3.4. The Appeal Site’s location and site boundaries are illustrated variously in the application material but for convenience the Appeal Site boundary is shown in the supporting Appendices of the PoE of Mr Mylchreest. He notes that the Appeal Site and the local area is described at paragraphs 2.1 to 2.18 of the LVIA (**CD 1.27**), which considers the context, topography and vegetation of the site, along with its key landscape features. I note that he concurs with the description provided and I have no reason to disagree. The site occupies a gently rolling parcel of grazing/agricultural land (sitting between approximately 20m and 35m above Ordnance Datum (aOD)), which lies on the western edge of Headcorn village.
- 3.5. The site comprises two field parcels, separated north and south by a line of vegetation. The northern site parcel is larger than the southern parcel, and there are derelict farm buildings within the site’s south-eastern corner adjacent to Moat Road. As set out in the Ms Stoten’s PoE there is a Curtilage Listed Building in the

south-eastern corner of the site (“the Granary”). The Granary is Curtilage Listed as part of The Moat (Grade II Listed Building). The south east part of the site contains 5 buildings, all of which appear unsightly and in a poor state of repair and also appear not to have been used for any purpose for a long period of time. These buildings will be removed as part of the Appeal Proposal. One of these buildings, located adjacent to the southern boundary and site access, is Curtilage Listed (“the Granary”). Overtime, this building has been visually separated from The Moat. I refer to the evidence of Ms Stoten in relation to this building and the historic merit of it (if any). In addition, there are the remains of a Royal Observer Corps (ROC) underground station (constructed in the 1960s) toward the north east of the Site and a likelihood of archaeological potential on the land around the derelict farm buildings to the south east of the Site. These features are unaffected by the Appeal Proposal and can be controlled by condition.

- 3.6. Both of the fields are currently managed for grazing, and there is a line of trees/outgrown hedgerow, some of which are protected by a Tree Preservation Order (TPO), which separates the northern and southern. As confirmed within the Arboricultural Impact Assessment (AIA) (**CD 1.36**), some of the TPO tree groups within this old field boundary are no longer present, although those to the west are.
- 3.7. There is a single PRow which crosses the site from Moat Road (KH590), north-westwards, before exiting the site between the northern and southern parcels. This PRow then heads west into open countryside and onwards to Black Mill Lane to link with other routes in this area. The Appeal Proposal facilitates a very minor diversion of the PRow (KH590) across the intended principal access to the Appeal Site. The remainder of the PRow can remain the same, and will form a consideration for the Reserved Matters.
- 3.8. The fact that the site lies within the defined built up area boundary is a relevant, which alongside the allocation of the site for housing, indicates that the principle of the development should be acceptable. The Officer’s Report and MBC’s Statement of Case have overlooked the significance of the site location in the Development Plan Policies Map.

4. Previous Development Plan

- 4.1. I refer to relevant elements of the previous (now superseded) Development Plan, on the basis that such policies formed the basis of the Officer's Report (**CD 4.2**). This Officer's Report provides the (flawed) basis for the reasons for refusal and relies heavily on the former Development Plan in assessing the planning merits of the Application, even though MBC had allocated the Site for housing for approximately 110 dwellings at the time of the refusal.
- 4.2. The planning application was submitted to MBC prior to adoption of the LPR, at a time when the Maidstone Local Plan 2017 (herein referred to as the "former MLP") (**CD 6.2**) formed part of the Development Plan. At that point, the LPA were promoting the site for allocation through the Examination process, on the basis that such an allocation was sound. However, the application was determined after adoption of the Local Plan Review (LPR), at a time when the unsaved policies of the former MLP had been superseded and carried no weight. Hence, I do not agree with the approach taken by MBC, which I do not consider to be reasonable or robust. I acknowledge that in its Statement of Case (**CD 5.2**), MBC has now sought to amend the reasons for refusal (in their Statement of Case), to remove all references to superseded policies of the former MLP. This is relevant, for example, to assess MBC's approach to the weight provided to the Site as in the countryside or rural area. However, it does not address the fundamental flaws in the Officer Report and the recommendation for refusal.
- 4.3. The changes from the previous Local Plan (MLP 2017) to the extant Plan are highly material.
- 4.4. In the former MLP, the Appeal Site was located outside of the defined settlement of Headcorn in an area of countryside – it was however directly adjacent to the former settlement boundary. The Appeal Site, and indeed the whole area of Headcorn, was (and continues to be) washed over by the Low Weald Landscape of Local Value (LLV) (a local non-statutory designation). This includes other sites in Headcorn that were allocated for residential development in the former MLP including Policy H1 (36) and Policy H1 (37). In relation to this, paragraph 4.113 of the former MLP recognised that these areas of Local Landscape Value were identified and judged according to criteria relating to their character and sensitivity, with paragraph 4.114 confirming that these "*landscapes were highlighted as areas of local value by the public through local plan consultations.*"
- 4.5. Specific to the Low Weald LLV, former MLP paragraph 4.117 recognised that the Low Weald "*covers a significant proportion of the countryside in the rural southern half of the borough. The Low Weald is recognised as having distinctive landscape features: the field patterns, many of medieval character, hedgerows, stands of trees, ponds and streams and buildings of character should be conserved and enhanced where appropriate.*"
- 4.6. The PoE of Mr Mylchreest provides his analysis of the Low Weald LLV. It should be noted that the LLV was present in its extent in the former MLP, and it washed over the entire village of Headcorn.
- 4.7. The above was relevant to MBC's initial assessment of the Appeal Proposal under superseded MLP policy SP17. I consider that the former MLP was (in principle) restrictive of market and affordable housing in the countryside, seeking high levels of protection and enhancement through former policy SP17, in addition to setting out its own specific design principles for development in the countryside through former policy DM30.

The Officer's Report was heavily focused on the purposes of these policies in protecting the open countryside, outside of a defined settlement.

- 4.8. However, at the time of the Council's decision, the former MLP had been superseded by the adoption of the LPR. The Site had been examined through the Local Plan process and had been allocated for approximately 110 dwellings, with an access required from Moat Road. The Site was no longer in the Open Countryside and the policies of restriction to such sites no longer applied. This was a fundamental change in the status of the Site. The LPA now required this site to be developed, for approximately 110 homes, to meet the current objectively assessed need for market and affordable homes, in accordance with the settlement hierarchy and spatial distribution of housing. The Site was allocated in full knowledge of the LLV designation but recognised that *any* expansion of Headcorn would have to take place in the LLV and that such development was acceptable.
- 4.9. Indeed, the SLAA (**CD 8.9**), used to inform the spatial approach and site allocations for the LPR, explicitly states on page 17/18 that the Low Weald LLV status "*does not "in principle" preclude development of a site*". Furthermore, it states that the detailed design stage will be used to ensure sites are designed to complement the landscape features. On that basis alone, the Officer Report and the basis for the Reason for Refusal's is significantly flawed
- 4.10. Such flaws do, at least, serve to explain how/why this outline Application was recommended for refusal, given the very recent allocation of the Site for housing.
- 4.11. In addition to the above two policies, I note that MBC also sought to rely upon former policies SS1, SP18, SP23, DM1, DM4, DM8, DM19 and ID1 of the former MLP. I do not go into detail on these as the policies have been replaced by the LPR – which I explore in detail in **Section 5**.
- 4.12. Interestingly, I note that MBC did not refer to former MLP policy SP7 which specifically related to Headcorn as a Rural Service Centre. This recognised that outside of Maidstone (the main urban area of the borough) Rural Service Centres were the second most sustainable settlements in the hierarchy to accommodate growth. Headcorn is one of them. This should have been an applicable consideration, noting that the former MLP also anticipated housing growth. The benefits of the application should also have been referred to in the Officer's Report, which instead was concentrated heavily on the alleged harms (a position which is irreconcilably inconsistent with the LPA's promotion of the Site through the Plan process and allocation of the Site).
- 4.13. Part of the preamble text to this, stated at former MLP paragraph 4.79 was: "*Headcorn has a diverse range of services and community facilities which are easily accessible on foot or by cycle due to the compact form of the village. There are local employment opportunities and there is a local wish to ensure that existing employment sites are kept in active employment use. A regular bus service runs between Headcorn and Maidstone and the village has good rail linkages to other retail and employment centres, including London.*"
- 4.14. It is acknowledged that policy SP7 also referenced flooding from the River in Headcorn. However, other sites had been allocated in and around Headcorn in the former MLP. This also did not prevent new sites from being considered, and subsequently allocated in the village, via the LPR. In my view, the fact that flooding is an issue in the village simply highlights to me the importance of ensuring growth on sites at a low risk of flooding – such as the Appeal Site, particularly given the recognised sustainability of the village and the fact that local residents were keen to support its growth, to meet identified needs.

- 4.15. Whilst the above is noted specifically in response to MBC's Officer's Report and Decision Notice, the superseded policies of the previous Development Plan (the MLP 2017) can attract no material weight in the decision on the Appeal Proposal. Officers appear to have misunderstood and misapplied the weight to the new LPR (and therefore the weight to the superseded Plan) on the basis that, at the time of the decision, the new Plan (and policy of allocation) was still within the six-week statutory challenge period.
- 4.16. However, full weight should have attached to the new Plan from the point of adoption. At that point, a significant part of the MLP 2017 had been superseded, and no policies relevant to the Appeal Proposal had been 'saved'.
- 4.17. This is substantiated by relevant Case Law and practice. There is a presumption of regularity and a Development Plan is presumed to be lawful and effective, unless and until it is quashed. That has not happened in this case and there was never a basis for the Council's approach of *not* applying the new Plan (and the allocation of the site) from the date of adoption (see, for example, *Smith v East Elloe Rural District Council* [1956] AC 736 (CD 12.10)). At the time of the decision on the original application, the LPR was subject to a legal challenges by Save our Heath Lands (SOHL) and Bredhurst Parish Council. The application for judicial review made by SOHL was refused. However, the challenge made by Bredhurst Parish Council went to the High Court in September 2024 for an initial hearing. The High Court dismissed the Parish Council's request for a Judicial Review on 17 September 2024. The challenge did not relate to development around Headcorn or the allocation of the site. Regardless, at the point of determination the new Plan was adopted and should have been afforded full weight. The LPA should have made a decision consistent with the adopted Plan, rather than making prejudgements as to the weight of the Development Plan, or any future determination of the High Court. Thus, full weight should have been provided to the LPR on the basis of a presumption of regulatory of the adopted Plan.
- 4.18. On this basis, the Officer's Report is deeply flawed.

5. The Development Plan

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the Development Plan for the area, unless material considerations (which includes the NPPF) indicate otherwise.
- 5.2. For the purposes of this Appeal the relevant Development Plan comprises:-
- The Maidstone Borough Local Plan Review (“LPR”) 2021-2038 (2024) (**CD 6.1**);
 - Saved policies of the Maidstone Local Plan (“Former MLP”) (2017) (**CD 6.2**);
 - Kent Minerals and Waste Local Plan 2013-30;
 - Kent Minerals Sites Plan (2020);
 - Any made Neighbourhood Plans.
- 5.3. The LPR was adopted on 20 March 2024 and includes the Appeal Site as an allocation under policy reference SA310. The Adoption Statement (**CD 8.28**) outlines that there are some saved policies from the Former MLP, these are all policies related to other allocations that have been retained, and thus are not relevant to the Appeal Proposal. The updated Reasons for Refusal do not refer to Former MLP.
- 5.4. There are no aspects of the Kent Minerals and Waste Local Plan 2013-30 or Sites Plan that are relevant to the Site or Appeal Proposal. I do not therefore discuss any of these documents in my evidence.
- 5.5. The Decision Notice issued by MBC does not refer to the Headcorn Neighbourhood Plan which is currently emerging, having been submitted for examination but yet to receive the Examiner’s Report or to reach Referendum stage. The Examiner’s Report is expected on 27 January 2025. I therefore do not discuss this document as it currently carries limited weight in the determination of this Appeal. MBC has also confirmed that they also take the same view as per the SoCG (General Matters).
- 5.6. I set out below the policies that are of relevance to this Appeal. I provide my view on whether the Appeal Proposal is in compliance with them. Prior to this, I summarise relevant evidence base documents, which supported the LPR at both the Regulation 18b and 19 consultation stages, noting that these documents were relied upon by MBC to demonstrate that the allocation of the Site and the LPR was sound and legally compliant at examination (consistent with the P&CPA 2004 and the NPPF). The LPR is MBC’s Development Plan and includes the spatial vision and distribution of development in the borough. It is up to date, and was, on adoption, in accordance with national policy.

Background to Adoption of the LPR

- 5.7. The LPR was found sound by Inspector Mr David Spencer and subsequently adopted by MBC on 20 March 2024. The Inspector’s Report is at **CD 8.1**.
- 5.8. MBC started the review of the Local Plan in June 2018, with the first Regulation 18 consultation taking place in September 2019, the Regulation 18b consultation taking place in January 2021, and the Regulation 19 in December 2021. The Examination Hearings took place between 6 September 2022 and 9 June 2023.
- 5.9. The requirements of Sections 19 and 20 of the Planning and Compulsory Purchase Act 2004 (**CD 10.9**) in relation to local development document preparation, require MBC to review, prepare, submit and adopt the

LPR. Regulation 20 specifically states that the authority must not submit the plan unless they think the document is ready for independent examination and that the purpose of the independent examination is in respect of whether the Plan is sound alongside testing the requirements amongst other items. It is common practice for LPAs to submit a local plan for examination that they think is sound. It follows that, at the point of submission, the Council considered the allocation of the site and the principle of development for approximately 110 homes to be sound.

- 5.10. This equally applies to The Town and Country Planning (Local Planning) (England) Regulations 2012 (**CD 10.10**) and the SEA/SA Regs (2004) (**CD 10.15**). In this regard, in order to meet the legal tests and those of the SEA / SA Regulations, the LPR was required to take account of the environment factors (including landscape) (see *inter alia* Reg 12). Thus, I do not accept MBC's position that the LPR was "landscape blind". If this were the case, the plan should not have been submitted or adopted as it would not meet the relevant legal tests, as the environmental impact on the receiving landscape would not have been taken into account. The examining Inspector too would have been unable to find the plan sound without due consideration of the relevant tests of soundness (as provided by the NPPF), notably that the evidence base supporting the LPR resulted in justified and effective policies. Indeed, this was addressed in a number of evidence base documents, some of which I summarise in this Section.

Relevant Local Plan Review Evidence Base

- 5.11. The LPR was supported by an evidence base that allowed MBC to determine that the development of approximately 110 dwellings was deliverable on the Appeal Site. This is via the strategic evidence base prepared by MBC to support the LPR and a range of technical documents submitted by the Appellants, who promoted the Site for development, at each and every stage of the preparation of the LPR.
- 5.12. The evidence base supporting this allocation, the SLAA in particular (**CD 8.9a**), demonstrates that the Site was suitable for this quantum of development when taking into account the impact of the development on matters such as flooding, sustainability, and the local environment.
- 5.13. The strategic evidence base included the following relevant documents in respect of the allocation of the Appeal Site:
- Sustainability Appraisal - Regulation 19 Pre- submission Consultation (September 2021) (**CD8.3**)
 - Interim Sustainability Appraisal - Regulation 18b Consultation (November 2020) (**CD8.19**)
 - Sustainability Appraisal Options for Spatial Strategy, Site Allocations and Garden Settlements (November 2020) (**CD 8.18**)
 - Sustainability Appraisal - Topic Paper Options (August 2020) (**CD 8.17**)
 - Sustainability Appraisal Scoping Report (January 2019) (**CD 8.16**)
 - Maidstone Hierarchy Study Review Final 2021 (**CD 8.8**) and Annex (**CD 8.35**)
 - Strategic Land Availability Assessment (SLAA) Update 2021 (**CD 8.9**) and extract of SA310 from Appendix A (**CD 8.9a**)
 - Environment Topic Paper (June 2020) (**CD 8.31**)
 - Transport and Air Quality Topic Paper (June 2020) (**CD 8.32**)
 - Housing Spatial Strategy Topic Paper (**CD 8.20**)
 - Integrated Transport Strategy (September 2021) (**CD 8.33**) and Addendum (**CD 8.34**)
 - Strategic Flood Risk Assessment (SFRA) Level 1 Update and Level 2 (August 2020) (**CD8.15**)
 - Landscape Character Assessment Supplement (2012) (**CD 8.21**)

- Landscape Character Assessment (July 2013) (**CD8.22**)
- Landscape Capacity Assessment (2015) (**CD 8.4**)
- Green and Blue Infrastructure Strategy (July 2016) (**CD 8.23**)
- Strategic Housing Marking Assessment (May 2021)

5.14. Where relevant, this comprehensive evidence base is referred to in this Section of my Evidence. Of relevance, I note that the Appeal Site was allocated in both versions of the Plan before it was submitted for examination. At the Regulation 18b stage the Site was included as a draft allocation for approximately 127 dwellings. At Regulation 19 stage, the allocation reduced to approximately 110 dwellings on the basis of trees and archaeology. Throughout the process of the LPR, it is clear that MBC were aware that the Appeal Site and the entirety of Headcorn is within the Low Weald LLV. It was chosen for additional development owing to the overall spatial strategy, and settlement hierarchy – which supports the sustainable growth of Headcorn.

Call for Sites

5.15. The Appellants initially promoted the Site to MBC seeking an allocation for development in the LPR. This promotion work commenced with an initial submission to the call for sites prior to 2019, followed by representations at the Regulation 18 stage in 2019.

Regulation 18a Stage

5.16. The Regulation 18a (“R18a”) consultation took place between 19 July 2019 and 30 September 2019. This sets out MBC’s scoping, themes and issues. As part of this, Draft Policy LPR 1 explains that the LPR will need to identify additional housing land to maintain the housing land supply.

5.17. The Appellants submitted the following technical evidence and representations to the R18a consultation, which specifically addressed (amongst other things) landscape impacts:

- Written Representations Report (**CD 13.1**).
- Vision Framework (May 2019) detailing that 150 dwellings were achievable on the site including technical consideration such as landscape, heritage, highways and flooding. (Appendix B of **CD 13.1**) (Pages 24-52).

Regulation 18b Stage

5.18. The Appeal Site was included as a draft allocation at Regulation 18b (“R18b”) for a residential development of approximately 127 dwellings (see policy text at **CD 8.5**). The R18b consultation document was approved for consultation by the Strategic Planning and Infrastructure Committee on 9 November 2020 – the first corporate and political endorsement of the Appeal Site for development. As can be seen, the policy listed various criteria for the development to comply with. The Site has therefore been a draft allocation, prior to its formal adopted allocation for approaching five years.

5.19. The R18b consultation was presented as MBC’s preferred option for the LPR and new plan period, with 127 homes anticipated for delivery in Headcorn by the Appeal Site alone. Paragraph 6.104 of the R18b document explains the constraints that impact Headcorn including that the village falls within the Low Weald LLV and is surrounded on three sides by the functional floodplain of the River Beult. This paragraph also identifies the

sustainable nature of the village within local employment opportunities and good transport links. It is clear that MBC had a good understanding of the village at the time of the allocation of the Appeal Site (including landscape issues). And at paragraph 6.101 MBC explain:

“In terms of individual site selection on a settlement by settlement basis, whilst each Rural Service Centres generally had a range of potential sites from which to allocate, the sites included in the plan were selected in consultation with ward members, taking into consideration the site assessment outcomes in the Sustainability Appraisal.”

5.20. Ward Members are well aware of the characteristics of each site option. Paragraphs 7.2 -7.5 of the R18b further set out how each site has been assessed and how this assessment has informed the criteria of the draft allocations. Notably, it is clear that MBC has considered topography, surrounding land uses, landscape, ecology, heritage, access and more.

5.21. This is supported by the evidence base supporting the R18b consultation, including the Interim SA (**CD 8.19**) and SLAA (**CD 8.2**). Notably, Appendix B of the Interim SA considers the Historic Environment, transport and Landscape Policy Context and landscape baseline. Paragraph B.261 confirms that the Maidstone Borough Landscapes of Local Value were considered as part of the Interim SA. The SA specifically assesses the impact of development in Headcorn against the sustainability objectives in Chapter 6 and addresses the draft allocation of the Appeal Site. In respect of Landscape the Interim SA states at paragraph 6.233:

In relation to SA objective 16: Landscape, negligible effects have been identified for the strategic policy SP6(b): Headcorn. The GIS-based site options work identified a significant negative effect for site 310 in relation to SA objective 16: Landscape. The entirety of Headcorn, including this site, lies in the Headcorn Pasturelands Landscape Character Area (LCA), which has been assessed as highly sensitive. Given that the site-specific policy requires landscaping which reflects the setting adjacent to open countryside and that this site is adjacent to the existing built up area, these effects are reduced to minor negative.

5.22. Furthermore, a number of infrastructure providers and organisations were consulted on the sites including The Environment Agency and Kent County Council. Thus identifying a thorough and justified process to the selected draft allocations.

5.23. The Appellants submitted the following technical evidence and representations to the R18b consultation:

- Written Representations Report (**CD 13.2**)
- Vision Framework (May 2019) detailing that 150 dwellings were achievable on the site including technical consideration such as landscape, heritage, highways and flooding. (Appendix B of **CD 13.2**) (Pages 26-53)
- Design & Technical Response to Reg 18 & SLAA Papers (Appendix C of **CD 13.2**) (Pages 54 – 67)

Regulation 19 Stage

5.24. At the Regulation 19 (“R19”) stage, the Appeal Site was draft allocated for approximately 110 dwellings (**CD 8.6**). The SLAA Update (**CD 8.9**) explained that the reduced quantum proposed was due to the presence of TPO trees (5% reduction in developable area), and potential archaeology (20% deduction). The SLAA did not refer to a specific landscape, heritage or character constraint as a reason to reduce the proposed quantum. I discuss the present TPO in Other Issues **Section 12**.

5.25. At the time, MBC concluded within the SLAA (**CD 8.9a**), that the modelled capacity for the Appeal Site was 116 dwellings taking into account a density of 30 dph (assume net) and reductions for certain constraints. Landscape was a consideration as detailed within the SLAA methodology (**CD 8.9 Table at 5.20**) stating in respect of the Low Weald LLV:

LLVs are set out in SP17 (The Countryside) as being suitable for conservation and enhancement due to their distinctive character. While LLV status is a factor in how a site should be designed/ developed, it does not “in principal” preclude development of a site. How a site should be designed to complement the landscape features of the LLV will be addressed at detailed design stage.

5.26. Furthermore, it is noted that the modelled capacity on other assessed sites was reduced due to landscape factors (Appendix A of **CD 8.9**). In this case there were no stated adjustments made to the achievable site quantum in respect of landscape considerations, only in relation to trees and archaeology. In respect of landscape and the Appeal Site, the SLAA states (**CD 8.9**):

“The design of any future development should be reflective of, and minimise impact on, the designated landscape.”

5.27. The SA (**CD 8.3**) further updates the assessment of Headcorn and the Appeal Site within Chapter 7. In relation to Landscape the text within the SA remains the same as the Interim SA (**CD 8.19**). Paragraph 7.246 address the measures required to limit potential negative effects of the policies. The relevant measures are set out below and confirm that matters of heritage and transport were also considered during the preparation of the LPR and have been used to inform the policy criteria:

- *Convenient pedestrian access to be provided to the site from Moat Road, allowing journeys by foot to be the default for all locally based key services, particularly the retail centre and local primary school on Kings Road.*
- *An earlier version of this report recommended a historic environment sensitivity study or similar to inform appropriate requirements at this site to conserve and enhance the historic environment. However, this has now been addressed and the residual effect is now minor negative with uncertainty.*

5.28. The Appellants submitted the following technical evidence and representations to the R19 consultation:

- Written Representations Report (**CD 13.3**)
- Amended Proposals Submission (March 2021) (**CD 13.3**) (pdf page 35-38)
- Preliminary Flood Risk Assessment (March 2021) (**CD 13.3**) (pdf page 40-95)
- Heritage Note (December 2021) (**CD 13.3**) (pdf page 96-127)
- Arboricultural Technical Note (December 2021) (**CD 13.3**) (pdf page 129-135)

5.29. Other representations were made by interested parties in respect of the Appeal Site’s allocation including KCC Highways. At this point KCC raised (see **CD 13.8**): -

“At the Call for Sites stage, the County Council raised concerns over this site in view of the narrow width of Moat Road at the bridge. This constraint limits the scope for widening the road to provide a footway connection to Headcorn, whilst maintaining a suitable carriageway width for two-way traffic flow. The County Council remains concerned that there is no evidence to demonstrate that these issues can be overcome”.

5.30. Details of the proposed footway had been provided by the Appellants with the response to the R18b consultation (**CD13.2**). This is further considered under the proceeding section relating to the examination of the LPR and consequential Main Modifications to the Plan.

Examination and Adoption

5.31. The LPR was submitted for examination on 31 March 2022. Inspector David Spencer undertook the examination with Stage 1 hearings held in September 2022, November 2022, May 2023 and June 2023. A Main Modification Consultation took place between 29 September 2023 and 13 November 2023. It is normal for an Inspector to have a full understanding of the geography of a local plan area (although I have seen no specific evidence that site visits were undertaken as usual).

5.32. The Appellants submitted a Hearing Statement (**CD 13.4**) to Matter 7 in respect of Issue 1 - Strategic Policy and Housing Allocations for the Rural Service Centres. This responded to specific questions raised by the Inspector in relation to Headcorn and the allocation of the Appeal Site. A full list of questions is provided within the Matters, Issues and Questions ("MIQ") (**CD 8.26 and 8.27**) published by the Inspector (the Appeal Site was discussed under Stage 2, Matter 7). It is notable that as part of the examination and the MIQs the Inspector sought to explore whether the Allocation of the Appeal Site was justified and deliverable covering factors such as access, emergency access, landscape, capacity and more. Several other parties also submitted hearing statements to this Matter. None of which raised issues that undermined the allocation and/or resulted in the Inspector finding the allocation of the Site unsound.

5.33. One may interpret the reasons for refusal as going behind the issues raised and addressed at the Examination, prior to the site being allocated, on the basis that issues of landscape question the principle of development. Such an approach is inconsistent with the Council's own case and evidence at the Examination in Public ("EiP") and their promotion of the allocation of the site for approximately 110 dwellings over a 5 year period.

5.34. The Appellants attended the hearing session for Matter 7 on 17 May 2023. KCC Highways attended the hearing and raised further concerns regarding the potential to deliver a pedestrian footway. The Appellants confirmed that during the initial outline application KCC Highways did not object to the proposals and in turn must consider the proposals acceptable. The Inspector considered that with modifications to the criteria of Policy SA310 could ensure that this concern could be overcome. KCC do not object to this application/appeal and so the Inspector's approach has been vindicated.

5.35. Following the hearings, a schedule of main modifications (**CD 8.24**) was published by the LPA for consultation. Modification MM73 related to the allocation and sought the following amendments to the policy which were incorporated into the final adopted policy SA310 (changes in bold underlined): -

- Amend Policy LPRSA310 under Access, Highways and transportation sub-heading, 2nd bullet as follows:

*Development will be subject to provision of acceptable **and safe** off-site pedestrian and cycle connectivity **along Moat Road** to the A274...*

- Amend Policy LPRSA310 under Access, Highways and transportation sub-heading, to include an additional 5th bullet as follows:

Development must ensure appropriate access for emergency vehicles.

5.36. The Inspector confirmed in his Final Report (**CD 8.1**) that these modifications were required for effectiveness. Paragraphs 293, 294 and 295 of the Inspector's Final Report states:-

- 293. Land at Moat Road to the west of the village is allocated for approximately 110 dwellings at Policy LPRSA310. In spatial terms, the site is well-located, being within walking and cycling distances to the village services and facilities. Whilst the site occupies gently rising land from the wider valley floor of the River Beult and its tributaries, development would occur against a backdrop of existing housing on higher land. Various requirements in the policy would be effective in seeking necessary landscaping and design responses to the local character.*
- Parts of the adjacent Moat Road are within Flood Zone 3 such that in peak events it may be difficult or dangerous for vehicles and pedestrians to use Moat Road to access into Headcorn. Alternative means of access exist to the north of the site onto the A274 Mill Bank. This would assuage, in part, my concerns regarding flooding on Moat Road and the site being, potentially, temporarily isolated via its principal means of access. However, given the flood risk issue and access, the submitted policy is not sound. I therefore recommend the insertion of an additional requirement within the policy that appropriate alternative access for emergency vehicles must be secured. MM73 would do this, and I recommend it for effectiveness.*
- Moat Road has no continuous footway from the site into Headcorn. The potential exists to secure a footway link to Mill Bank but the more direct, level and attractive route for future occupiers of the allocated site would be along Moat Road. Moat Road is generally narrow between the allocated site and where the footway begins to the east. There is a particular pinch point on the bridge over the tributary stream. For the purposes of plan-making, I am satisfied that there remains a reasonable prospect of securing a safe pedestrian route along Moat Road. This may require some compromises to the flow of vehicular traffic on what is generally a rural lane (currently 30mph within Headcorn), including priority measures for pedestrians. For plan soundness, I consider some additional specificity is required to the policy including references to safe off-site pedestrian and cycle connectivity and that it should be provided along Moat Road. MM73 would do this, and I recommend it for effectiveness.*

5.37. The LPA's allocation of the site was endorsed and subsequently included as a formal allocation in the LPR upon adoption through policy SA310. This contains specific criteria for its development, including in relation to the landscape context. This is confirmed as effective by Inspector David Spencer in paragraph 293 of the Inspector's Final Report:

"Whilst the site occupies gently rising land from the wider valley floor of the River Beult and its tributaries, development would occur against a backdrop of existing housing on higher land. Various requirements in the policy would be effective in seeking necessary landscaping and design responses to the local character..."

5.38. In the light of the totality of the evidence submitted to support the Plan and the nature/substance of the Examination of the Plan allocation, it is clear that the allocation was not "landscape blind" as claimed by DC Officers. That proposition is not credible.

5.39. The Inspector's Final Report also makes relevant comments in respect of the following matters:-

- Paragraph 31 – Landscape

The SA baseline includes comprehensive evidence on the landscape such that the appraisal has been informed by a solid understanding of the Borough's landscape.

- Paragraph 61 – Housing Need / Requirement

When taken over the extended plan period, the overall housing requirement would need to increase from 17,355 to 19,669 [dwellings]. This requirement would need to be expressed as a minimum (i.e. 'at least') consistent with national planning policy at paragraph 61 of the NPPF, which states that housing needs assessments determine the minimum number of homes needed.

- Paragraph 377 – Heritage

Policy LPRSP14(B) provides a strategic policy for conserving, and where possible, enhancing the historic environment of the Borough. Criterion 2 of the policy should reflect when assessing the impact on the significance of heritage assets, consideration will need to be given to any public benefits, which need to be weighed against any harm to designated heritage assets. As such I recommend MM59 so that the Plan would be consistent with national planning policy and for effectiveness. For similar reasons Policy LPRENV1 dealing with development affecting heritage assets would need to be modified to require consideration of potential public benefits in any heritage balance and so I recommend MM105 accordingly.

Adoption

5.40. The LPR was adopted on 20 March 2024. The Adoption Statement (**CD 8.28**) is a simple, yet important statement published by MBC confirming that the LPR was formally adopted by MBC on 20 March 2024 and that "*The Maidstone Borough Local Plan Review replaces the policies of the Maidstone Local Plan (2017), however some of the adopted Local Plan 2017 policies are still relevant and have been retained.*" Retained policies relate to carried over allocations. It further explains that subject to the Main Modifications, the Inspector found the LPR to be "*sound, legally compliant and provides an appropriate basis for the planning of the Borough*". From 20 March 2024, the LPR should have been provided full weight in making planning decisions.

Conclusion on Background to the LPR & More Recent Interpretations of it – at Other Appeals

5.41. Given all of the above, I consider that MBC cannot reasonably or rationally state that the LPR is "landscape blind". Not only is there a statutory requirement for the plan to consider landscape in order to be legally compliant and sound, but there are evidence base documents, and amendments to the evidence base relating specifically to the Site, that shows landscape has been considered. The fact that the Site is allocated for development (within the settlement boundary), indicates that a change to the existing situation was (and is) anticipated and required within the Plan period.

5.42. I accept that landscape remains a relevant planning consideration for any planning application and that there are criterion within the Policy. However, reading the LPR as a whole, in a manner which renders it internally

consistent, provided the Proposal complies with the criteria in the allocation policy, the Proposal must protect the Low Weald LLV, so far as consistent with the site's statutory status as an allocation (see NPPF 187(a)). This is the only rational position to adopt, given the site was allocated and removed from the settlement boundary, in the light of the Low Weald LLV. Therefore, fundamental and *inevitable* changes to the landscape of the Site and surrounding area have been accepted and promoted by MBC. However, this does not appear to have been acknowledged by Officers who have been involved with the determination of the Appeal Proposal. The Officers Report (**CD 4.2**) does not grapple with such issues (adequately or at all). I do not believe that the Proposal was assessed correctly at the application stage.

5.43. This refusal also needs to be considered in the context of two very recent successful appeals in this Borough, against refusals on allocated sites. Both sites sought outline consent for slightly more than the approximate housing allocation figure. The Inspectors on each appeal consider the term 'approximately' and conclude that there is an allowance above the allocated figure. Furthermore, both Inspectors consider the necessary details that should form part of an outline consent.

5.44. Details of these appeals are set out below:

- **Land North & South of Kenward Road, Yalding ME18 6JP**

- Appeal Ref: APP/U2235/W/24/3344070
Allowed 11 December 2024
Outline proposal for 112 dwellings
Allocated for approximately 100 dwellings
(**CD 11.3**)

5.45. At Yalding, I note that the main issue considered as part of this appeal was the effect of the appeal scheme on the character and appearance of the area including the setting of the Greensand Ridge LLV albeit the Site is not located within the LLV.

- **Land east of Albion Road and north of Copper Lane, Marden TN12 9EG**

- Appeal Ref: APP/U2235/W/24/3346817
Allowed 20 December 2024
Outline proposal for 117 dwellings
Allocated for approximately 113
(**CD 11.4**)

5.46. At Marden, the Inspector explores MBC's Position that the LPR is "landscape blind" alongside the deliverability of the allocation in respect of the allocation specific criteria. Paragraphs 29-31 state:

29. The main parties rationally agreed, however, that the criteria to policy LPRSA295 can only sensibly be understood as giving effect to development of approximately 113 dwellings. Were I to read it a different way, for example if compliance with LPRSA295 criteria were such that only a scheme significantly below approximately 113 dwellings could be delivered in a policy-compliant manner, that would effectively call into question the robustness of that allocation. The implications of such a skewed approach would be even more far-reaching; alongside other allocations, the appeal site is considered by MBC to be deliverable within the terms of the NPPF. Questioning that would also logically entail questioning whether MBC can, in actuality, demonstrate an adequate forward supply of deliverable sites.

30. The foregoing line of questioning would also exist were I to accept MBC's position that LPR site allocations were 'landscape blind' (a phrase in the officer report associated with application ref. 23/504068/OUT)¹³. Notwithstanding the extent of any assessment of, or comparative analysis between, sites informing the LPR, evidently MBC were satisfied at examination that the site could accommodate 113 dwellings or more in landscape terms.¹⁴

31. As above, the site was also assessed as being deliverable through the SHLAA. Moreover the Borough's administrative area covers swathes of protected landscapes. At a strategic or overarching level, it would therefore be untenable to suggest that the landscape implications of development did not inform the approach in the LPR.

- 5.47. The contention that allocations were "landscape blind" has, therefore, been recently considered and rejected by Inspectors on appeal. This Appeal Proposal is the third appeal, made in outline, on an allocated site in a matter of months. There is no reasons to reach a different conclusion.
- 5.48. Development Management Officers have failed to acknowledge or properly give significant/ substantial weight to the fact that the principle of the development is supported for approximately 110 dwellings. Their approach is (presumably) to seek to reduce the quantum of development on the Site without any demonstrated basis. I understand from colleagues that at a meeting on 22 February, prior to the determination of the application, the Case Officer stated that they would be seeking less than 110 dwellings and "psychologically more like 100". The minutes of this meeting are a core document (**CD 13.5**). There is no material or identifiable difference between a scheme for approximately 110 and 115 dwellings – a position confirmed by the evidence of Mr Mychreest and Ms Stoten and the reasoning in the recent Yalding and Marden appeal decisions.
- 5.49. I also refer to the General Matters SoCG (**CD 5.8**), whereby **the parties now agree that 115 dwellings falls within the term "approximately"**. This is consistent with the recent appeal decisions.
- 5.50. Accordingly, this is an *outline application* for 115 dwellings on a site which is allocated for approximately 110 dwellings, when the LPA accept that 115 falls within the allocation for approximately 110 dwellings. There is no reasonable basis for refusing this outline application on that basis.

Adopted Local Plan Review – Relevant Policies, Paragraphs & Figures

- 5.51. MBC's Statement of Case has sought to amend the reasons for refusal, notably clarifying which aspects of the stated Development Plan Policies it considers are not met by the Appeal Proposal. I address such policies, but for completeness, I also go through all relevant LPR policies, as per the Decision Notice and Officer's Report, which are relevant in respect of this Appeal. Copies of the policies are included at **CD 6.1**.
- 5.52. LPR paragraph 2.5 confirms that the LPR supersedes the MLP. MBC explains that the LPR sets out the "why, what, where, when and how' development will be delivered and plans for growth and renewal, whilst at the same time protecting and enhancing the borough's natural and built assets." At paragraph 2.9, four specific points are explained included that the LPR sets out the scale and distribution of development and identifies where development will be constrained. This is important as it demonstrates that MBC were aware of constraints at the time of allocating the site for a specified development.

- 5.53. As set out in my preceding sections of my PoE, it is clear that the LPR is supported by a robust evidence base and MBC also acknowledge this throughout the LPR including paragraph 2.6, which states the LPR is supported by robust evidence.
- 5.54. Section 5 of the LPR sets out the housing need in MBC amongst other requirements. Specifically, MBC has a minimum housing need of 1,157 dwellings per annum equating to 19,669 dwellings across the Plan Period (2021-2038). When taking into account the development planned for already within the MLP, an additional 6,134 dwellings are required.
- 5.55. Allocated site capacities are required to deliver the minimum number of dwellings across the plan period. This is self-evident in the assumptions made in the SLAA (**CD 8.9**), which informed LPR policy. The site's indicative capacity of approximately 110 dwellings has been relied upon to demonstrate to the Inspector that the minimum housing requirement can be met to meet identified needs in the Borough and in Headcorn and that the LPR is deliverable and sound. Post adoption, these anticipated capacities of site allocations inform the rolling housing trajectory, and evidence of five-year housing land supply.
- 5.56. The delivery of up to 115 dwellings is contributing to this borough-wide requirement and meets needs in Headcorn. Substantial weight should attach to the benefit of delivering market housing on an allocated site to meet the Plan's minimum housing requirement. Particularly in light of MBC recent Housing Delivery Report 2024 (**CD 8.30**) which I discuss in detail in **Section 12 / Appendix 1** of my evidence.
- 5.57. LPR Figure 5.1 sets out the Settlement Hierarchy and effectively places Headcorn in the second tier of existing settlements – a Rural Service Centre. It is clearly a sustainable settlement as confirmed within the Settlement Hierarchy Review (**CD 8.8**). The County Town of Maidstone is the only existing settlement in a higher position. Paragraph 5.23 explains that figure 5.1 reflect the LPRs preferred spatial approach to housing. It is noted that the proposed Garden Settlements and Strategic Development Location fall between the County Town and Rural Services Centres. However, it is likely that given the strategic nature of these sites, they will take longer to come forward across the Plan Period and thus there is a reliance on development in the County Town and Rural Services Centres within the early part of the Plan Period.
- 5.58. The important role of the Rural Service Centres is acknowledged by MBC at LPR paragraph 5.34 and it is noted that “some development at these locations provides for a choice of available housing location and supports the role of the rural service centres”.

Policy SS1

- 5.59. Policy SS1 explains that within the spatial strategy, Rural Service Centres are the secondary focus for housing development. This is with an emphasis on maintaining and enhancing the role and provision of services to meet the needs of the local community. Headcorn is, therefore, a secondary focus for housing within the Spatial Strategy and that by delivering the Appeal Proposal which is allocated by MBC themselves, that the delivery of the Site will support the role of the settlement, provide towards the local housing need and assist in maintain the vitality and economic benefits of the existing services. If this were not the case, MBC's own allocation of the Site would have fallen short of the tests of soundness at the examination of the LPR.
- 5.60. **I conclude the Appeal Proposal complies with SS1, on the basis of its allocation and location – which is relevant for the overall Planning Balance (see Section 15).**

Policy SP6 (Rural Service Centre)

- 5.61. The LPR further acknowledges the importance of delivering housing in LPR paragraph 6.108, explaining that they are considered to have high deliverability due to the land price-house price balance. Thus, there is a need to allocate sufficient land to meet the needs across the borough and to meet the needs of individual settlements.
- 5.62. Within Policy SP6, it is made clear that the focus on new housing development in Rural Services Centres is either (i) carried over allocations from the MLP or a new allocation within the LPR. Policy SP6 (c) is then abundantly clear that the focus for housing development is through the retained allocations of H1(36) and through the new allocation of the Appeal Site (SA310), both of which are located in the Low Weald LLV. In respect of Appeal Site, the policy confirms that approximately 110 dwellings are allocated.
- 5.63. Part 4 of Policy SP6 (c) explains the infrastructure needs within Headcorn including:
- Improvements to junctions, sustainable transport infrastructure and pedestrian / cycle access in accordance with the specific criteria within policies H1 (36) and SA310;
 - A one form entry extension to Headcorn Primary School;
 - Improvements to open space improving quality and addressing the forecast deficits of hectare amenity, 1.1 hectares play, 7.7 hectares sports, 0.2 hectares allotment, and 30.2 hectares natural/semi-natural green space.
- 5.64. The supporting text for Policy SP6(c) at paragraphs 6.111 and 6.112 are relevant. Paragraph 6.111 details the sustainable nature of Headcorn, explaining that it has a diverse range of services and facilities which are easily accessible by foot or cycle including employment opportunities and regular bus and train services to other settlements. Paragraph 6.112 details the constraints effecting Headcorn including the location within the Low Weald LLV and the flood constraints. As I have outlined, clearly, MBC were aware of the constraints affecting Headcorn (specifically including the Low Weald LLV designation) at the time of allocating the Appeal Site and still considered it a sound option to deliver the housing need in the area (subject to the criteria in the allocation policy).
- 5.65. I also refer to the Settlement Hierarchy Review (**CD 8.8**), notably what a Rural Service Centre is and its importance in providing services for the wider borough's community outside of the Maidstone Urban Area.
- 5.66. **I conclude the Appeal Proposal complies with SP6, on the basis of its allocation and location and any relevant infrastructure secured by the S106, which is relevant for the overall Planning Balance (see Section 15).**

Policy SP9 (Development in the Countryside)

- 5.67. Policy SP9 relates to development in the countryside and part 1 of the policy defines the countryside as:

“as all those parts of the plan area outside the settlement boundaries of the Maidstone Urban Area, Rural Service Centres and Larger Villages defined on the Policies Map.”

- 5.68. The defined settlement boundary for Headcorn includes the Appeal Site following its allocation for development within the LPR. Consequently, **the Appeal Site is not within the countryside – thus SP9 is not relevant** and there is no conflict with it.
- 5.69. However, the policy is cited in reasons for refusal listed on the Decision Notice (**CD 4.1**) indicating that the Appeal Proposal is at conflict with the policy. MBC have subsequently sought to amend the reasons for refusal and remove this policy, realising a demonstrable flaw in the decision-making process. **This policy is no longer relevant in the determination of this Appeal.**

Policy SP10 (Housing)

- 5.70. LPR Paragraph 7.1 reiterates that the local housing need given by the Standard Methodology at the time of preparing the LPR identified a minimum requirement for 19,669 new dwellings across the Plan Period. Policy SP10 then confirms that over the Plan Period (2021-2038) provision will be made for the development of a minimum of 19,669 new dwellings. The dwellings will be delivered in a stepped trajectory which is at 1,000 dwellings per annum between 2022/23 - 2027/28 and then increasing to 1,150 dwellings per annum over the next five years and then again from 2033 to approximately 1,352 dwellings.
- 5.71. For context, the new Standard Method for MBC as published in December 2024 is 1,358 dwellings per annum. The LPR is up to date, as it is less than five years old, though it is relevant to note that it is not meeting the most up to date level of housing need and will not do so, unless and until it is reviewed and updated. Policy SP10 sets out a minimum housing requirement of 19,669 new homes across the Plan Period. This will come forward with a stepped trajectory of 1,000 dwellings per annum between 2022/23 – 2027/28, stepping up to 1,150 dwellings per annum between 2028/29-2032/33 and finally 1,352/3 dwellings per annum between 2033/34 – 2037/38.
- 5.72. LPR paragraph 7.3 confirms there are 16 Designated Neighbourhood Areas in the borough and the table at paragraph 7.4 confirms that Headcorn is a Designated Neighbourhood Area. Paragraph 7.4 states “*The number allocated through plan policies is not a maximum requirement, nor is it finite.*” The table at 7.4 confirms the indicative minimum housing requirements for the Designated Neighbourhood Area and in respect of Headcorn, there is a minimum requirement of 330 dwellings, (a minimum of) 110 of which are to come forward from the allocation of the Appeal Site. To my mind, MBC cannot seek to deliver a minimum number of dwellings as per policy SP10 whilst concurrently seeking to restrict the amount of development coming forward on allocated sites, such as the Appeal Site. It is quite clear, therefore, that this site must deliver a minimum of 110 dwellings in order to meet the minimum requirement of Headcorn (as a component of the Borough's overall minimum housing requirement). This (again) was not addressed (meaningfully or at all) in the determination of the application by Development Management Officers. Also relevant here is policy HOU5 on density – which I refer later in this Section and also Section 8.
- 5.73. Appendix 2 of The Housing Delivery Report (**CD 8.30**) provides the MBC anticipated five-year land supply list which includes the Appeal Site and expects the delivery of the dwellings from 2024. Thus, the delivery of the Appeal Scheme is significant in delivering dwellings within the first part of the plan period and maintaining a supply of housing within the borough. This is a weightier consideration, given the stepped housing trajectory, and need to ramp up delivery toward at least 1,000 dpa in the first part of the plan period.

- 5.74. SP10 (a) relates to the housing mix required in accordance with the Strategic Housing Market Assessment 2021 or updated evidence. The specified housing mix is a detailed matter that will be considered at Reserved Matters stage.
- 5.75. SP10(b) sets out a requirement for 40% affordable housing to be delivered on major housing proposals on greenfield development in mid and high value zones. Part 4 sets out the indicative targets for the tenure split of affordable housing. Subject to the final S106 agreement, the Appeal Proposal is in accordance with these requirements.
- 5.76. **I conclude that, appropriate for the outline stage, the Appeal Proposal complies with SP10, which is relevant for the overall Planning Balance (see Section 15).**

Policy SP12 (Transport)

- 5.77. Parts 2 and 3 of the policy relates to how MBC will prepare an updated Integrated Transport Strategy and how they will go about it. Thus, it is not directly relevant for applicants/ developers to consider within their development proposals.
- 5.78. I note that MBC has specifically referenced the Appeal Proposal does not accord with parts 3(b)(e) and (k). As set out above, it is my opinion that the policy cannot be directly applied to development proposals. It is the Council's responsibility to refresh the Integrated Transport Strategy to:
- b. Deliver modal shift through managing demand on the transport network through enhanced public transport and walking and cycling improvements*
 - e. Improve transport choice across the borough and seek to influence travel behaviour;*
 - k. Promote inclusive access for all users on the transport network provides*
- 5.79. Notwithstanding this, the Appeal Proposal provides sustainable transport links and this is discussed in Mr Neale's PoE in respect of Highways matters. It is also relevant, as I outline in **Section 12**, that there is no outstanding objection from KCC Highways. It is not clear what more (if anything) the LPA expect the Appellant to do in terms of accessibility, given this is an outline application on an allocated site. If there are off-site measures, which the LPA can demonstrate are necessary, they can be secured by condition. They cannot form a credible Reason for Refusal.
- 5.80. **In so far as relevant for the Appeal Proposal, I conclude that, appropriate for the outline stage, the Appeal Proposal complies with SP12.**

Policy SP14 (A) (Environment)

- 5.81. Policy SP14 (A) natural environment relates to the protection of the natural environment. Within the amended reasons for refusal, MBC find that the Appeal Proposal is contrary to Part 1b of this policy whereby new development should incorporate measures where appropriate to protect positive landscape character including several listed factors such as Landscapes of Local Value. It is clear from paragraph 10.22 of the Council's Statement of Case, that it is only the impact to the Low Weald LLV that is disputed in respect part 1b of this policy. This is further agreed with MBC within the SoCG (General matters).
- 5.82. I have already outlined the relevant aspects of the LPR evidence base which demonstrate that landscape matters were fully considered and incorporated with the allocation. I discuss in **Section 8** my response to the

Landscape Main Issue. This is addressed fully by Charles Mylchreest. **I conclude that the Appeal Proposal complies with SP14 (A), consistent with the allocation of the site for approximately 110 dwellings.**

Policy SP14 (B) (Historic Environment)

5.83. Policy SP14 (B) seeks to conserve and where possible enhance the characteristics, distinctiveness, diversity and quality of heritage assets within the borough including by “*encouraging and supporting measures that secure the sensitive restoration and reuse of heritage assets*”. I note that the restoration and reuse of heritage assets is encouraged but not required. I note that the emphasis of the policy is similar to the NPPF, which I discuss in **Section 6**.

5.84. The policy sets out measures to secure this. In their amended reasons for refusal, MBC cite the Appeal Proposal conflicts with parts 2 and 4 of this policy specifically. At paragraph 10.26 they are clear that these parts refer to the following:

Criterion 2 requires through the development management process, the positive incorporation of heritage assets into wider development proposals. Criterion 4 seeks to ensure that relevant heritage considerations are a key aspect of site master plans prepared in support of development allocations in the Local Plan.

5.85. I note that the Appellants submitted a revised masterplan through the determination of the original planning application which sought to replace the curtilage Listed Building for a like for like structure thus consequently, incorporating the heritage asset into the wider development proposals and the site masterplan. MBC make no further reference to this policy within their Statement of Case. The evidence of Ms Stoten is relevant here, noting the approach to the proposal for the demolition of the curtilage Listed Granary, and eventual replacement with a new structure (as a Reserved Matter / separate Listed Building consent).

5.86. I refer also to part 1 of the policy which explains that MBC will collaborate with developers regarding specific heritage initiatives including proposals for conservation and appropriate re-use of historic assets. I understand from colleagues that collaboration and discussions on this point were very limited with Conservation Officer comments only provided to the Appellants as part of the Appeal process.

5.87. I discuss in **Section 9** my response to the Heritage Main Issue. This issue is addressed by Ms Stoten. **I conclude that the Appeal Proposal complies with SP14 (B).**

Policy ENV1 (Development Affecting Heritage Assets)

5.88. Policy ENV1 supplements Policy SP14 providing more specific requirements for proposals that affect heritage assets. MBC’s SoC refers to parts 1 and 4 of this policy. Part 1 requires applicants for development affecting heritages assets to incorporate measures to conserve and where possible enhance the significance of the heritage asset and its setting including the public benefits arising from the proposed development.

5.89. Part 4 refers to the tests included within the NPPF and I will address these within **Section 6** of this PoE.

5.90. LPR paragraph 9.103 reiterates the legal requirement for MBC to have regard to the desirability of preserving a listed building and /or its setting or any features of special architectural or historic interest it may possess. This is in accordance with The Planning (Listed Building and Conservation Areas) Act 1990.

5.91. I refer to Ms Stoten's PoE in respect of these policies and also **Section 9** of my PoE. **I conclude that the Appeal Proposal complies with ENV1.**

Policy SP15 (Design)

5.92. MBC require proposals to create high quality design setting out 17 criterion that should be met where appropriate. Within the amended reasons for refusal, MBC refer specifically to criterion 1, 2, 6, 7 and 11. Noting that this is an outline application and design will be addressed at the Reserved Matters stage, each point in turn, is cited verbatim below:

- **Criterion 1** – *Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;*
- **Criterion 2** - *Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage*
- **Criterion 6** - *Respect the topography and respond to the location of the site and sensitively incorporate natural features such as natural watercourses, trees, hedges, and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area*
- **Criterion 7** - *Provide a high-quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality*
- **Criterion 11** - *Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.*

5.93. The application of criteria 1, 2, 6 and 7 are ultimately determined via the Reserved Matters. The only matter to decide for an outline application is that of the principle of the development proposed and the detail of the proposed main access on Moat Road.

5.94. In respect of criteria 2, 6 and 7 it is clear from paragraphs 10.16 – 10.24 that MBC only draws an issue to these points in respect of the Appeal Site's location within a LLV.

5.95. I note that LPR paragraph 7.176 states:

In assessing the appropriateness of design, the council will have regard to adopted Conservation Area Appraisals and Management Plans, Character Area Assessments, the National Design Guide 2019, and the Kent Design Guide, which provide specific information about local character and distinctiveness and give guidance on design principles. Regard will also be given to the Kent Downs Area of Outstanding Natural Beauty Management Plan.

5.96. The Officer's Report does not refer to any of these documents, nor does the MBC Statement of Case and so I can only conclude that they have not been considered as part of the application or Appeal process. I refer to Mr Morgan's Design Report at **Appendix 2** for a further assessment of the Proposal against the National Design Guide 2021 (**CD 10.2**). I note also that in the separate Heritage SoCG, MBC is no longer contesting any harm arising from the Appeal Proposal on the Conservation Area. I refer to Ms Stoten's PoE in respect of any remaining matters of relevance for the Headcorn Conservation Area Appraisal. I discuss the application of design policy in **Section 8** of my PoE. **I conclude that the Appeal Proposal complies with SP15.**

Policy HOU5 (Density of Residential Development)

5.97. Whilst not mentioned within the reasons for refusal or the LPA Statement of Case, Policy HOU5 is abundantly clear in respect of the expectations for the density of development within Rural Service Centres. It expects residential develop to achieve a net density of 30 dwellings per hectare where that is compatible with the individual settings of those sites. Furthermore, the supporting text at paragraph 9.21 of the LPR, explains that the setting of minimum densities will help the Council to make the best use of land in accordance with the NPPF requirements.

5.98. I refer again to the recent appeal in Marden (**CD 11.4**) whereby density within a Rural Service Centre were discussed at paragraph 82 to 84. I discuss these implications in **Section 8** of my PoE.

5.99. **I refer further to the implications of this policy in section 8 of my PoE, concluding that the Appeal Proposal is in accordance with the requirements of this policy.**

Policy SP13 (Infrastructure Delivery)

5.100. This policy is no longer relevant in respect of amended Reason for Refusal 5 as a S106 will be completed. This position is also confirmed in the SoCG (General Matters) (**CD 5.8**). SP13 Part 8 refers to open space development which was relevant in respect of amended Reason for Refusal 3. In this regard, part 8a explains that development which contributes to the creation of open space within the borough will be supported and part c explains that on some strategic sites, open space will be allocated as part of the land use requirements in the allocation. This is the case in respect of the Appeal Site and allocation SA310.

5.101. I also acknowledge that paragraph 8.8 of the LPR explains that where open space is referred to in a site allocation it is to reflect a specific need in the area and should be delivered as part of the response to Policy SP13. It is noted that the figures within the site allocation do not necessarily represent the maximum sum of space required on site. Hence, it is important to consider the quantity requirements within Policy INF1.

5.102. All this being said, **it is now agreed in the SoCG (General Matters) that the Appeal Proposal complies with the open space requirements.**

5.103. **Hence, that there is no conflict with the relevant aspect of SP13.** I summarise this in **Section 10** of my PoE.

Policy INF1 (Publicly Accessible Open Space And Recreation)



5.104. Policy INF1 sets out quantity and quality standards for publicly accessible open space in the borough. As I have stated, **MBC no longer disputes the quantity provided and public useability of the space with specific regard to community gardens and natural / semi natural space.**

5.105. Hence, that there is no conflict with INF1.

Site Allocation – SA310

5.106. The most important policy is that which allocates the site in the LPR is policy SA310. The Appellant's Statement of Case sets out a compliance table against this policy (see pages 17 to 21). I also refer to the SoCG (General Matters) whereby the parties have outlined where the parties set out the agreement on how the Appeal Proposal meets these criteria. For completeness, I outline my position on compliance with SA310 in the proceeding paragraphs, referring to the Planning SoCG where relevant.

5.107. The Development Plan should be read as a whole and should be interpreted in a manner that is internally consistent as possible (noting that some policies push and pull in different directions). There are a number of appeals that confirm this, for example, as further explained in the appeal at Broomhill (appeal reference APP/Z0116/W/22/3308537) **(CD 11.5)**. It is clear, that a criterion of a policy allocation cannot be interpreted and applied so as to render the allocation incapable of delivery in principle.

5.108. It is firmly the case that the LPR allocation of the Appeal Site means that change is anticipated and promoted by the LPA in the area, and specifically on the Site itself. This change is promoted in the plan period and is acceptable in principle. I comment on each criteria within Policy SA310 in **Table 5.1** below. Where commentary is the same, the criteria has been combined

Table 5.1 - Analysis of the Appeal Proposal against site allocation SA310 criteria

SA310 Criteria & Reason for Refusal	Commentary
<p>Criterion 1 Land at Moat Road Headcorn as identified on the Policies Map, is allocated for the development of approximately 110 dwellings. The following conditions are considered appropriate to be met before development is permitted</p> <p>No outstanding Reason for Refusal (owing to General Matters SoCG)</p>	<p>Accords:</p> <p>The principle of development for approximately 110 dwellings is acceptable. There is no conflict with this policy in respect of the site being within the red line of the allocation area, and being a scheme for up to 115 dwellings which I consider falls within the reasonable meaning and definition of “approximately”. MBC have agreed with this in the General Matters SoCG (CD 5.8), albeit they consider the remainder of the criteria has not been met. In this regard, I refer to Section 8 of my evidence and specially the discussion on approximately, in addition to the recent appeal decision at Yalding (CD 11.3).</p>
<p>Criterion 2</p>	<p>Accords:</p> <p>This criteria has been met. A LVIA was produced to support the application prior to its refusal (CD 1.27 – 1.28). I refer to the landscape evidence of Mr Mylchreest on this matter.</p>



<p>The development proposals shall be informed by a landscape and visual impact assessment undertaken in accordance with the principles of guidance in place at the time of the submission of an application.</p> <p>No Reason for Refusal</p>	<p>Further, the final design, scale and massing of development will all be determined as part of the Reserved Matters, and landscaping considerations and evidence will form an integral part of the preparation of the future Reserved Matters.</p> <p>MBC agreed that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6).</p>
<p>Criterion 3 Built development shall be set back from Moat Road and the western boundary.</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>This is clear from the relevant Appeal Proposal drawings set out in the DAS Addendum (CD 1.9). The various illustrative plans provided within the application demonstrate that this can be achieved with the proposed quantum. I refer specifically to the Revised Framework Plan within the DAS Addendum (CD 1.9) which sets of the clear set back of development from Moat Road ranging from 27m (at its closest) to 68m (at its furthest) Of course the exact layout will be determined at the Reserved Matters stage where full details of layout will be provided. This is further considered within Mr Mylchreest’s PoE (notably the cross sections and visuals) and Mr Morgan.</p> <p>MBC agreed that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6).</p>
<p>Criterion 4 Residential density and typologies shall reflect the site’s semi-rural setting.</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>As above, the final layout of development will be agreed as part of the Reserved Matters. MBC agree that these matters will come forward as part of the Reserved Matters stage within the Planning SoCG (CD 5.8). They consider that at 115 dwellings quantum would not allow for densities that reflect the semi-rural setting. That is inconsistent with the agreement that 115 is consistent with the allocation for approximately 110 dwellings. It is also clearly wrong in the light of the illustrative layout and proposed stand-off from the western and southern boundaries (addressed in the evidence of Charles Mychreest).</p> <p>Illustrative details were provided in the application submission to show a variety of character areas and densities across the site to address this criteria, specifically within the Design and Access Statement (CD 1.8).</p>



	<p>Notwithstanding that, the Appeal Proposal also must comply with Policy HOU5 whereby a net density of 30 dph is required within Rural Service Centres such as Headcorn. The, the Development Plan must be considered as a whole and the proposal complies with both policy requirements. I refer again to paragraphs 82-84 of the Decision of the recent Marden Appeal Decision (CD 11.4).</p> <p>I also note the other criterion of this policy which set out the quantum of development and specific design and landscaping requirements. Such requirements cannot render the allocation of the site undeliverable. For example, this policy sets out specific criterion which implies that by meeting this criteria the development would be acceptable in landscape and design terms. I refer to the evidence of Mr Mylchreest and Mr Morgan’s Design Note which assess how this proposal meets these criteria and is still able to demonstrate that suitable densities are achievable. In particular the Cross Sections and the VVIs within Mr Mylchreest’s evidence and the clear set back distances demonstrate the acceptability of the scheme, resulting in a high quality interface with the surrounding countryside to the west.</p> <p>MBC agreed that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6).</p> <p>I discuss the application of design policy in Section 8 of my PoE, noting the design evidence of Mr Morgan Appendix 2.</p>
<p>Criterion 5 The layout of new dwellings and roads shall respect the amenities and setting of adjacent residential properties.</p> <p>No Reason for Refusal</p>	<p>Relevant to Reserved Matters:</p> <p>The final layout of development will be determined at the detailed design stage, and will form part of the Reserved Matters. This is agreed with MBC within the General Matters SoCG.</p> <p>At this stage, only illustrative plans have been submitted to assist with the determination of the outline planning application. I therefore consider that, to the extent that it is possible at the outline application stage, this criteria is met by the Appeal Proposal.</p> <p>MBC agreed that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6). In addition, the General Matters SoCG outlines that the Reserved Matters should come forward in general conformity with the Framework Masterplan.</p>
<p>Criterion 6</p>	<p>Relevant to Reserved Matters:</p>



<p>The residential elements shall be defined by distinct character areas, incorporating a variety of typologies, materials, landscaping and street scenes.</p> <p>No Reason for Refusal</p>	<p>This is relevant for the Reserved Matters and this has been agreed by MBC within the Planning SoCG (CD 5.8). MBC agreed that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6).</p>
<p>Criterion 7 Lower densities and built form on the western portion of the site shall reflect its adjacent to open countryside.</p> <p>Reason for Refusal</p>	<p>Relevant to Reserved Matters:</p> <p>This is relevant for the Reserved Matters and this has been agreed by MBC within the General Matters SoCG (CD 5.8).</p> <p>The illustrative material and the evidence of Mr Mychreest demonstrates that an acceptable density can be achieved through the Reserved Matters..</p>
<p>Criterion 8 The layout and form of buildings shall be designed to mitigate the rising topography with east west landscaping introduced to break up the overall visual massing.</p> <p>Reason for Refusal</p>	<p>Accords:</p> <p>Again, the layout and form of buildings is a reserved matter. As the principle of approximately 110 dwellings (which includes 115 dwellings above) is acceptable, there must a layout and form which is acceptable. This will be resolved through the Reserved Matters. The illustrative material shows one way in which it can be addressed.</p> <p>I refer to Mr Mylchreest’s Evidence and Mr Morgan’s Design Note (Appendix 2 of my PoE) in respect of these criterion. I discuss the application of design and landscape evidence in Section 8 of my PoE.</p>
<p>Criterion 9 The layout shall be designed so as to ensure that the substation adjacent to the south west corner of the site does not adversely affect the amenities of future residents.</p> <p>No Reason for Refusal</p>	<p>Relevant to Reserved Matters:</p> <p>This is relevant for the Reserved Matters and this has been agreed by MBC within the General Matters SoCG (CD 5.8).</p> <p>MBC agreed that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6).</p>
<p>Criterion 10 Site design and layout shall be informed by a local historic impact assessment.</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>The required technical evidence on heritage impact was submitted with the planning application (CD 1.11 – 1.12). I refer to the evidence of Ms Stoten in relation to heritage. I also note that MBC does not suggest in the Officer’s Report or Statement of Case that there are any issues with compliance with this aspect of the policy.</p> <p>I discuss the application of heritage evidence in Section 9 of my PoE.</p>



	<p>MBC agreed that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6).</p>
<p>Criterion 11 A phase 1 habitat survey will be required, which may as a result require on and/or-off site mitigation for the existing habitat of local fauna/flora.</p> <p>Criterion 12 Existing tree/hedgerow margins should be retained/enhanced in order to provide the opportunity for biodiversity habitat creation/enhancement. Public access to such areas would normally be limited.</p> <p>Criterion 13 Development will be subject to a site-wide strategy to incorporate an appropriate level of biodiversity net gain in accordance with national and local policy.</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>The required technical evidence on ecology was submitted with the planning application (CD 1.13 – 1.18 and 1.36). The Appeal Proposal encompasses a range of ecological enhancements including the delivery of 90.18% net gain in area habitats and 20% net gain in hedgerows with regards to BNG.</p> <p>MBC agreed that the Appeal Proposal accords with these criteria within the General Matters SoCG (CD 5.8).</p>
<p>Criterion 14 The proposed landscaping scheme shall respect and protect TPO trees within the site or adjacent to boundaries.</p> <p>No Reason for Refusal</p>	<p>Relevant to Reserved Matters:</p> <p>This is relevant for the Reserved Matters, however, the details submitted with the application demonstrate that the TPO trees will be protected. MBC agreed that the Appeal Proposal accords with these criteria within the General Matters SoCG (CD 5.8).</p>
<p>Criterion 15 The existing hedgerow fronting Moat Road shall be retained and enhanced and the impacts of any access junction minimised and mitigated.</p> <p>Outstanding Reason for Refusal</p> <p>Conflict introduced through the SoCG by MBC, not raised by MBC in their SoC</p>	<p>Accords:</p> <p>I do not consider there to be a conflict with this criterion. The landscaping details are to be resolved as part of the Reserved Matters. The illustrative plans also demonstrate how this requirement can be achieved (CD 2.1). The visibility splays (CD 1.7) for the proposed access junction onto Moat Road are acceptable. MBC seem to be suggesting that the implications of the access visibility splays will have an unacceptable landscape impact. However, the location of the access is agreed. It is required. The landscape impact arising from the access is <i>inevitable</i> but minimised through the Reserved Matters.</p>



	<p>I note that within the General Matters SoCG (CD 5.8), MBC consider that there is a conflict with this policy purely on the grounds that the impacts of opening up views into the development have not been mitigated. I refer to criterion 17 which requires access to be taken from Moat Road, and thus, access along this frontage must have been deemed acceptable at the time of the allocation. Particularly as the proposed access location has not changed during the promotion of the development (see the Appellant’s LPR representations and Hearing Statement (CD 13.1 – 13.4)). Mitigation is to be addressed through the Reserved Matters. There is no arguable conflict.</p>
<p>Criterion 16 Vehicular access routes within the development shall feature tree planting.</p> <p>Outstanding Reason for Refusal</p> <p>Conflict introduced through the SoCG by MBC, not raised by MBC in their SoC</p>	<p>Accords:</p> <p>Again, this is a detailed matter for the Reserved Matters. MBC consider that, with the proposed quantum, tree planted streets cannot be achieved. I refer to the Landscape SoCG where the parties agree that the Appeal Proposal accords with this criteria in respect of landscape and visual terms within the Landscape SoCG (CD 5.6).</p> <p>I consider it perfectly reasonable and achievable at the densities proposed that the principle on-site streets would include trees – all for Reserved Matters. The evidence of Mr Morgan (Appendix 2) alongside the DAS should assist.</p>
<p>Criterion 17 Vehicular access shall be via Moat Road, with junctions and sight lines designed to appropriate capacity and safety standards</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>This has also been achieved by the Appeal Proposal. To the extent that there are no objections from the Highway Authority in respect of transport and access considerations. I discuss transport in Section 11 of my PoE, noting the relevant evidence of the PoE of Mr Neale.</p> <p>MBC agreed that the Appeal Proposal accords with these criteria within the Planning SoCG (CD 5.8) and the Transport SoCG (CD 5.7).</p>
<p>Criterion 18</p>	<p>Accords:</p> <p>As I have outlined, this criterion of the policy was amended by the LPR Inspector to ensure that any footways along Moat Road were safe. This has also been achieved by the Appeal Proposal. To the extent that there are no objections from the Highway Authority in respect of transport and access considerations. I discuss transport/ access in Section 11 of my PoE, noting the relevant evidence of the PoE of Mr Neale.</p>



<p>Development will be subject to the provision of acceptable and safe off-site pedestrian and cycle connectivity along Moat Road to the A274. Any new footways shall be designed to ensure that there are no adverse or ecological impacts and maintain the rural character of Moat Road</p> <p>Reason for Refusal</p>	<p>If, which is not accepted, there is any issue, it can be addressed by any off-site highway works which the LPA can demonstrate are <i>necessary</i> and capable of delivery. This can be addressed by Reserved Matters and/or condition. The Appellant does not consider that there are any. None have been identified.</p>
<p>Criterion 19 Development shall respect and enhance the setting of any Public Rights of Way within or adjacent to the site.</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>There are no issues raised in relation to this. The PRoW is being respected and any enhancements can be detailed at the Reserved Matters stage.</p> <p>MBC agreed that the Appeal Proposal accords with these criteria within the General Matters SoCG (CD 5.8).</p>
<p>Criterion 20 Appropriate safe pedestrian access onto Maidstone Road will be required via the northern boundary of the site.</p> <p>Reason for Refusal</p>	<p>Accords:</p> <p>As I have outlined, this criterion of the policy was amended by the LPR Inspector to ensure safe access was achieved. This has also been achieved by the Appeal Proposal.</p> <p>There are no objections from the Highway Authority in respect of transport and access considerations. I discuss transport/ access in Section 11 of my PoE, describing the relevant aspects of Mr Neale’s evidence.</p> <p>At the appropriate time an updated Road Safety Audit (CD2.12) was completed. Visibility Splays (with Highway Boundary Overlay) Plan (CD1.7) have been updated as a direct response to the Road Safety Audit to include of pedestrian visibility splays to the east of the scheme. Consent is not sought for the visibility splays.</p>
<p>Criterion 21 Development must ensure appropriate access for emergency vehicles.</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>This matter is not raised by MBC in objection to the application. The Appeal Proposal includes an appropriate emergency access for the development. No objections are raised by the Highway Authority.</p> <p>MBC agreed that the Appeal Proposal accords with these criteria within the General Matters SoCG (CD 5.8).</p>



<p>Criterion 22 The site should be designed to ensure that it has a positive impact on the River Beult catchment, and does not worsen local flood risks on Moat Road</p> <p>Criterion 23 The only vehicular access to the site is through Flood Zone 3. Any development will be dependent upon acceptable flood safety measures being agreed with the EA</p> <p>No Reason for Refusal</p>	<p>Accords:</p> <p>There are no objections to the Appeal Proposal from the Environment Agency (CD 3.9) or the LLFA (CD 3.22) and thus flooding/ drainage considerations have been fully addressed by the Appeal Proposal. MBC has not refused the application on grounds relating to flooding or the River. I do not go into any detail on this as I consider the matter has been adequately addressed by the Appeal Proposal and any further details required in terms of the positive impacts sought can be addressed at the Reserved Matters stage.</p> <p>MBC agreed that the Appeal Proposal accords with these criteria within the General Matters SoCG (CD 5.8).</p>
<p>Criterion 24 Provision of new open space on site shall be provided in accordance with policies LPRSP13 and LPRINF1.</p> <p>Now resolved, no longer a Reason for Refusal</p>	<p>Accords:</p> <p>As set out in MBC’s original Decision Notice (CD 4.1) and Statement of Case (CD 5.2), they objected to the application on the basis of the open space provision forming part of the development. However, this aspect of the policy is not raised as part of that objection – only parts 25 and 26 below are cited. The General Matters (SoCG) (CD 5.8) confirm that the Appellant and MBC are now in agreement that the proposal accords with this Criterion subject to a suitably worded condition. The Open Space Plan has been updated to reflect this agreement and is included at Appendix 3 of my PoE and also CD 2.4a. Table 4.1 within the SoCG sets out further detail on this agreement alongside the proposed condition.</p> <p>Both parties agree that the Proposal accords with this criterion.</p>
<p>Criterion 25 Provision shall include no less than 1.9 hectares of semi/natural open space the principal focus of which shall be to contribute to biodiversity net gain. The location and layout of such areas shall be designed to avoid conflict with accessible residential amenity spaces.</p> <p>Criterion 26 No less than 0.8 hectares of open green amenity space shall be provided, incorporating appropriate children’s play space to meet the needs of the development.</p>	<p>Accords:</p> <p>I discuss open space in Section 10 of my PoE. The General Matters) SoCG (CD 5.8), confirms that the Appellant and MBC are now in agreement that the proposal accords with both Criterion 25 and 26. At Appendix 3 of my PoE is an updated open space plan.</p>



<p>Now resolved, no longer a Reason for Refusal</p>	
<p>Criterion 27 Where it is not feasible, due to site characteristics, to provide an appropriate open space typology in accordance with policy LPRSP13 and LPRINF1, the scheme shall make appropriate financial contributions towards off-site provision/public realm improvements within the village.</p> <p>No Reason for Refusal</p>	<p>Accords: The Appellants have agreed to an off-site financial contribution for sports provision which will be included as a S106 agreement. The Appellants and MBC are in agreement that the Appeal Proposal accords with this Criterion, as set out in the finalised General Matters SoCG (CD 5.8) – see also Section 10 / Appendix 3.</p>
<p>Criterion 28 The applicant is to demonstrate that adequate connections to the nearest points of the network are achievable and that adequate capacity exists/can be created for all utilities.</p> <p>Criterion 29 Where there may be limited capacity in the utility network, the occupation of the development will be phased to align with the delivery of infrastructure.</p> <p>No Reason for Refusal</p>	<p>Relevant to Reserved Matters: No issues are raised on the Appeal Proposal with regards to utilities and connections. Further details can be secured via a suitably worded condition if required.</p>

5.109. In conclusion the Appeal Proposal is an outline application with all matters reserved save for access. The Proposal demonstrably complies with those parts of the policy of allocation which apply to this determination.

Neighbourhood Planning

5.110. As outlined in the SoCG, there is no made Neighbourhood Plan for Headcorn but a consultation of a draft Regulation 16 version Plan was carried out between 24 June and 12 August 2024. The draft HNP has been the subject of a series of questions from the Examiner in September 2024. Headcorn Parish Council responded in October 2024. The Examiner's Report is due to be published on 27 January 2025 – at the time of writing it was not yet available and hence I have not referred to it – though I may if necessary do so in the run up to the Inquiry. The Appellants have agreed limited weight to the Neighbourhood Plan at the time of writing.

5.111. The emerging Neighbourhood Plan was not referred to in the Decision Notice nor Officers Report indicating to me that MBC has no objections to the Appeal Proposal on the basis of emerging neighbourhood policies.

5.112. When made, the NDP will have to be consistent with the adopted Plan and the allocation of the site for approximately 110 dwellings, subject to criterion.

Conclusion on the Development Plan

5.113. Based on the assessment above, I conclude that the Appeal Proposal complies with the Development Plan when read as a whole. Indeed, the proposal derives very strong support for the development of the site *now* return to the relevant policies in my discussion on each Main Issue (**Sections 8-11**).

5.114. On the basis that the proposal complies with an up to date Development Plan, it should be consented *without delay* (NPPF paragraph 11(c)).



6. National Policy

- 6.1. My evidence is prepared in light of the current national policy contained in the National Planning Policy Framework (NPPF) published on 12 December 2024 (**CD 10.1**). I note that MBC has referred to paragraphs of the December 2023 version of the NPPF as this was applicable at the time of determination. I also note that the LPR was found sound on the basis of the 2021 version of the NPPF, which in respect of housing provision required a provision to meet local housing needs (Standard Method) and required planning policies to be formulated with regard to similar factors of the 2024 NPPF, for example design, environment/landscape, flood risk and heritage. The principles of plan-making and decision-making contributing to sustainable development and the broad application of the presumption in favour of sustainable development have been unchanged in a number of versions of the NPPF.
- 6.2. Within the MBC Statement of Case, the Council has specified the following paragraphs of the NPPF (December 2023) (see **Table 6.1**) with which Officers consider the Appeal Proposal is in conflict. I set out in **Table 6.1** my comments on these policies in respect of the Appeal Proposal, where the paragraph numbers have changed following the publication of the new NPPF in December 2024 these are specified in brackets.

Table 6.1 – Commentary on Relevant Paragraphs of the NPPF

NPPF Paragraph 2023 (2024)	Whether the Appeal Proposal accords with the paragraph	Commentary
Design - Para 135	Accords	Although the Appeal Proposal is currently at the outline stage, the detailed development will focus on quality of design, with a landscape led approach that incorporates a range of dwelling types and utilising a range of materials to create visual interest and support place making. Four character areas are proposed as set out within the Design and Access Statement (CD 1.8) alongside ample green space and tree lined streets. I rely on the evidence of Mr Morgan (Design Report which forms Appendix 2 to my PoE) in respect of design matters generally.
Heritage – Para 202 (now 209)	Not relevant	I rely on Ms Stoten’s PoE in relation to the heritage evidence. The state of the Granary building is not due to deliberate neglect, but rather due to the long term obsolescence of the structure for functional agricultural use compounded by the disuse of the whole complex of buildings. Subsequent vandalism has occurred, including over the lockdown period. Efforts have been made to secure the site through hoarding. If consent is granted, there will be an enhancement to the structure, the future use of which will be secured through the Reserved Matters..



<p>Heritage – Para 203 (now 210)</p>	<p>Accords</p>	<p>There is no requirement in policy SA310 to retain the group of farm buildings as part of the development of the Appeal Site. Only one of the buildings within the Appeal Site is considered curtilage Listed (The Granary), due to the poor condition of this building it is proposed to be demolished and rebuilt as illustrated in the proposed plans and elevations prepared by James Clague Architects – as included in the PoE of Ms Stoten. If this occurs, there will be an enhancement</p> <p>Therefore I consider the Appeal Proposal will facilitate a positive contribution to the Site’s local character and distinctiveness in accordance with paragraph 210c). I discuss the heritage balance in Section 9.</p>
<p>Heritage – Para 205 (now 212)</p>	<p>Accords</p>	<p>Paragraph 212 explicitly refers to designated heritage assets. I rely on Ms Stoten’s evidence: The Granary is not a designated heritage asset in its own right. The designated heritage asset is the Grade II Listed Building The Moat (farmhouse), the structure is considered Curtilage Listed due to its association with the farmhouse.</p> <p>Overall the Appeal Proposals will cause less than substantial harm at the lower end of that spectrum to the Listed Building. However, such impact is inevitable if the site is to developed for approximately 110 dwellings. I attach great weight to such harm, which needs to be weighed against the public benefits - I discuss the heritage in Section 9.</p>
<p>Heritage – Para 206a) (now 213)</p>	<p>Accords</p>	<p>Clear justification is provided. The Appeal Proposals include the demolition of a Curtilage Listed barn structure in the south-eastern part of the Appeal Site because it is vacant, derelict and beyond repair. I consider the demolition of this structure to be justified on the basis of the findings in the Condition Survey (see Appendix to the SoC CD 1.39) The structure is not considered safe. It is in a poor state of repair, with the roof timbers, wall plates, floor elements and many of the trusses in a condition which means that they could not be salvaged, or re-used.</p> <p>Furthermore, a replacement structure is proposed to mitigate the potential harm to this Curtilage Listed structure (The Granary). The PoE of Ms Stoten outlines that the design of the new structure has been carefully considered by James Clague Architects to ensure it is sympathetic to the historical context and based on a conservation-led approach. A detailed assessment of how the development proposal responds to this paragraph of the NPPF is set out in the PoE prepared by Ms Stoten on heritage matters.</p>
<p>Heritage – Para 208 (now 215)</p>	<p>Accords</p>	<p>I agree with Ms Stoten, and consider that there will be less than substantial harm arising from the Appeal Proposal, resulting in a conflict with the statutory requirement (s.66 P(LB&CA) Act 1990).</p>

Proof of Evidence of Charlie Collins MSc MRTPI

Land at Moat Road, Headcorn. Appeal Reference: APP/U2235/W/24/3351435



		<p>The Curtilage Listed heritage asset is proposed to be demolished and rebuilt and I believe the range public benefits of the Appeal proposal (limited to substantial benefits) outweigh the potential heritage harm. Please refer to Ms Stoten’s PoE for a detailed assessment of the heritage harm. The benefits of the Appeal Proposal are weighed against the heritage harm in Section 9 and 15 of my PoE.</p>
Transport – Para 108c) (now 109e))	Accords	<p>Within the Appeal Site a network of new foot and cycle paths are proposed to connect the green infrastructure and residential areas. The existing public right of way link across the Appeal Site will also be retained.</p> <p>The off-site S278 works will provide a pedestrian pavement on the side of Moat Road, and associated traffic calming / priority direction measures, which will reinforce to drivers that they are approaching a settlement whilst providing safe walking and cycling space. The Appeal Proposal complies with Active Travel England’s movement hierarchy set out in their Standing Advice Note (CD 3.8). Mr Neale’s PoE provides a detailed assessment of the sustainable transport opportunities for the Appeal Site and how the Proposal complies with Chapter 9 of the NPPF. See also Section 11.</p>
Transport – Para 110d) (now 111d))	Accords	<p>The design and landscaping associated with the walking and cycling networks within the Appeal Site will be refined at the Reserved Matters stage. The Movement Plan in the DAS (CD 1.8) illustrates how pedestrian and cycle movement will flow through the Appeal Site.</p> <p>The off-site s.278 works will be agreed separately with KCC as they are outside the red line boundary and therefore I do not consider the visual prominence of these works to be a material consideration for the Appeal proceedings. See also Section 11.</p>
Transport – Para 114a) (now 115a))	Accords	<p>As set out earlier on in this Table, the Appeal Proposals accord with Active Travel England’s Standing Advice. Mr Neale’s PoE will provide a more detailed assessment of the sustainable transport methods for the Appeal Proposal. The site allocation is also in a sustainable location – within the settlement boundary of Headcorn.</p>
Transport- Para 114b) (now 115b))	Accords	<p>The primary vehicular access to the Appeal Site is from Moat Road as required by policy SA310 and has been designed, including the visibility, to meet the requirements of the recorded speeds of traffic.</p>



		<p>A highways technical note (CD 1.35) was submitted during the determination of the application to demonstrate the secondary access proposed to the north of the Appeal Site is suitable for emergency access. This access will only be used in the event a major flood event impacts the Appeal Site which is likely to be a very rare occurrence as determined in the Flood Risk Assessment (CD 1.20). In such circumstances, the access road to the west could still be used (in the 1:100 + CC event).</p> <p>Furthermore KCC (as LHA) have raised no objections (CD 3.22) to both of the proposed access points and the Environment Agency (CD 3.10) do not object to the proposed flood safety measures. See also Section 11.</p>
Transport-116a) (now 117a))	Para Accords	<p>As set out in detail in Section 6 of the Appellants Statement of Case, measures have been incorporated into both the Appeal Proposal and the offsite s.278 works to ensure priority is given first to pedestrian and cycle movements.</p> <p>I consider the Appeal Site to be within a sustainable location with good access to public transport links such as Headcorn train station, the appropriateness of the location is also supported by MBC on the basis that the site is allocated for development under policy SA310.</p>
116c) (now 117c))	Accords	<p>Similarly paragraph 117c) has already been addressed in the Appellant’s Statement of Case and Mr Neale’s PoE addresses all transport matters for the Appeal Proposal in detail. In summary, the junctions and sight lines serving the proposed vehicular access via Moat Road will be designed to appropriate capacity and safety standards. The off-site pedestrian and cycle connectivity along Moat Road will be safe and acceptable in line with national and local transport guidance. Owing to the nature of the secondary access to the north, it will rarely be used by vehicles, giving pedestrians and cyclists a safe route. The layout within the Site is a Reserved Matter.</p>

6.3. Additional relevant NPPF policies include paragraph 11c) which refers to approving development proposals that accord with an up-to-date development plan without delay to maintain the presumption in favour of sustainable development. As referred to throughout my PoE, I believe the Appeal Proposal accords with MBC’s Development Plan when read as a whole and therefore should be approved without delay. Paragraph 8 requires the planning system to deliver sustainable development, my view, and that presumably of MBC (re: the LPR), is that the Appeal Site, represents a sustainable location for development.

6.4. Paragraph 39 requires decision makers to seek to approve applications for sustainable development where possible. It requires LPAs to approach decisions on proposed development in a positive and creative way. On the basis of feedback from colleagues, and on reading the file, this was clearly not the case in the approach taken with the Officer’s Report. Paragraph 48 is consistent with S36(8) of the PCPA (2004 as Amended) requiring decisions be made in accordance with the Development Plan, and as quickly as possible.

- 6.5. There is a clear imperative to boost significantly the supply of new dwellings, to meet identified needs. There is a need to deliver a range of housing types, sizes and tenures, including affordable housing, to meet the needs of different groups in the community. This is set out in paragraph 62 and paragraph 64 of the NPPF. Paragraph 66 relates to affordable housing for major development which should meet identified local needs and paragraph 71 emphasises the range of benefits that can be provided from mixed tenure sites. All relevant factors to inform the Reserved Matters. I have outlined the housing requirement in the LPR and the new Standard Method requirement in **Section 5**.
- 6.6. Paragraph 72 requires planning policies to identify “*a sufficient supply and mix of sites, taking into account their availability, suitability, and likely economic viability*” and supply of specific deliverable sites for years one to five if the plan period and developable sites for years 6-10 and where possible years 11-15 of the plan. The Appeal Site is allocated for residential development in MBC’s LPR under policy SA310 and is deliverable in the first five years of the plan period. It is anticipated as such in the housing trajectory/ evidence of five-year housing land supply. Paragraph 78 requires at least a 5% buffer on the applicable housing requirement.
- 6.7. Also relevant is paragraph 103, as the Appeal Proposal meets the open space requirements of policy SA310. A community garden could be provided on the Appeal Site and secured via a S106 agreement if considered appropriate. Sports provision on-site is not feasible to provide the standard of sports facilities requirement therefore a financial contribution towards off-site provision can be made and secured via a S106 agreement.
- 6.8. Paragraph 96 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which address the three criteria including a) promote social interaction, b) are safe and accessible and c) enable and support healthy lives.
- 6.9. Chapter 11 of the NPPF emphasises the national importance of making the most effective use of land, specifically paragraph 129 refers the criteria that must be taken into account to ensure future development uses the land effectively. This needs to be interpreted in context. This also links to Chapter 12 of the NPPF to ensure high quality design is achieved in the planning and development process.
- 6.10. Paragraph 187 a) refers to protecting and enhancing valued landscapes – I discuss this further in **Section 8**.

Planning Practice Guidance

- 6.11. Case law confirms that the Planning Practice Guidance (PPG) has the same status as policy, offering Government guidance that supports and adds to the NPPF as a whole. Thus, in the determination of planning applications or appeals, the PPG is also a material planning consideration. In relation to this appeal I note that there are no references to the PPG in MBC’s Statement of Case or Officers Report. I question whether this has been considered to inform MBC’s position on the Appeal Proposal. I do not provide a summary of the relevant aspects of the PPG, given the level of detail. Though, in oral evidence, it might be that I highlight any particular matters of relevance, as or when required.

7. Background to the Appeal Proposal

Relevant Site History

- 7.1. No relevant site history has been agreed within the SoCG (General Matters) (**CD 5.8**). As a result, I have included much of the detail in my evidence for completeness. As I have outlined, my involvement with the Appeal Proposal commenced post the submission of the Appeal. Thus, I have drafted this Section following consultation with my colleagues at Savills.
- 7.2. I note that details of the site and its history were included in the planning application – notably the Planning Statement (**CD 1.10**) and Design and Access Statement (**CD 1.8**). There is also some level of detail in the Appellant's Statement of Case (**CD 5.1**). I particularly refer to sections 2 and 4 of the Statement of Case which also include a summary of engagement with MBC, including pre-application engagement with members, and both MBC and other stakeholders during the application period.

December 2022 Application

- 7.3. An outline planning application (Ref: 22/505616/OUT) was submitted in December 2022 to align with the examination of the LPR. The description of development was:

“Outline application (with all matters reserved except access) for the development of up to 120no. dwellings (Use Class C3) including demolition of existing buildings, means of access into the site from Moat Road (not internal roads), associated highway works, provision of public open space, emergency / pedestrian access to Millbank, realignment of the existing public right of way and associated infrastructure including surface water drainage.”

- 7.4. This application was withdrawn by the Appellants. I understand that this followed a lack of engagement from MBC and refusal of Officers to accept an extension of time to enable matters raised by consultees to be addressed during the application period, via the submission of revised information.
- 7.5. Prior to the application being withdrawn, the appointed Case Officer expressed concerns regarding prematurity, owing to the stage of the LPR at the time. I note that it had not yet been adopted and so the site remained within the countryside, albeit subject to a draft allocation. The Officer had also raised concerns about the principle of development as the quantum exceeded the emerging site allocation. The Appellants were given no choice but to withdraw the application.

Listed Building Application

- 7.6. Following submission of the December 2022 application, an application for Listed Building Consent was being prepared by the Appellants. However, the December 2022 application was withdrawn prior to this being determined. As a result, when the new application was submitted (detailed below) this included an application for Listed Building Consent. The application was validated by MBC and given reference 23/505693/LBC). The application was however refused quickly on 8 February 2024, after only c. 8 weeks post submission (see Officers Report and Decision Notice in **CD 14.6** and **CD 14.7**).
- 7.7. The Listed Building Consent application was assessed internally by MBC and given one Reason for Refusal:

“The application contains no information to justify the total loss of the existing curtilage listed building. The substantial harm arising from this proposal is not outweighed by any public benefits. The proposal is therefore contrary to the NPPF paragraphs 195 and 200- 207 (incl) , policies SP18 and DM4 of the Maidstone Borough Local Plan 2017, draft policies LPRSP14(B) and LPRENV1 of the Regulation 22 Local Plan Review and the statutory duty under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

- 7.8. As set out in Ms Stoten’s PoE, a new Listed Building Consent Application is currently being compiled for the proposed works associated with the repair and reconstruction of the Curtilage Listed Building.
- 7.9. As I have noted, the Appeal Proposal is still seeking approval for the principle of the demolition / replacement of the Curtilage Listed Structure, accepting that the detail is for future Reserved Matters, and a separate Listed Building application. The evidence of Ms Stoten includes some further illustrative drawings of a potential replacement building prepared by James Clague Architects.

The Appeal Proposal

- 7.10. Following the withdrawn application and prior to submission of a new application, the Appellants further engaged with MBC. At MBC’s request, a Planning Performance Agreement (PPA) was entered into setting a 25 week determination period, with a specific date being agreed for presentation of the application to the planning committee for determination, and for the Decision Notice to be issued.
- 7.11. The PPA did allow for the determination timetable to be reviewed (page 4 of the PPA at **CD 2.11**) to ensure that the application would be determined in line with the LPR adoption. To this end, I understand from colleagues that MBC informally told the Appellants that they would not seek to positively determine the application until after the LPR was adopted. Subsequently MBC requested an extension of time for determination of the application, and this was agreed by the Appellants.
- 7.12. I acknowledge that the application was subsequently determined after the adoption of the LPR. Albeit, as I have outlined, this is not sufficiently reflected in the Officer’s Report or the Decision Notice.
- 7.13. With regards to the PPA (**CD 2.11**), whilst I understand that more meetings than envisaged may have been undertaken throughout the determination process, (I refer to the email from the Case officer enclosed at (**CD 13.6**), I understand that no issues were raised regarding attendance prior to this point, such that there was no supplemental PPA revisions requested by MBC to cover additional time. As such, it remains relevant that the PPA was transparent about the determination procedure to be adopted.
- 7.14. Having reviewed the meeting minutes from meetings between the Appellants and MBC officers (**CD 13.5**). I believe that MBC Officers did not intend to positively determine the application based on its planning merits, irrespective of whether the LPR was adopted (indeed that is the position at this Appeal). To this end, the Appellants met all of the Officers requests for additional information, knowing that this was well in excess of the detail required for an outline planning application. I expect that MBC Development Control Officers had in mind a very specific scheme that they would want for the Site, which is inconsistent with the allocation and in principle support for approximately 110 dwellings.

Reasons for Appeal

- 7.15. The Appeal is submitted in response to the refusal of the outline planning application by MBC which comprised 6 reasons as set out on the Decision Notice. As I have outlined, this included references to policies that had been superseded prior to the Decision Notice being issued.
- 7.16. I acknowledge MBC's statement of Case and intended position on this matter. However, to my mind, the weight that should be afforded to the Officer's Report and Decision Notice is limited. This is due to the fact that the report is fundamentally flawed in its assessment of the Appeal Proposal, including lack of recognition of the allocation and inclusion of the site in the settlement boundary, as per the adopted LPR. This is a significant flaw in the Officer Report. There are a significant number of matters raised in the Officer's Report that are contested by the Appellants, and owing to the LPAs stance with the Appellants to date, it was felt that an Appeal was necessary. I do not state this lightly, as to progress any Appeal on an allocated site, is always unfortunate, especially when the proposal complies with the policy of allocation (as here).
- 7.17. For the avoidance of doubt, it is confirmed that the Appeal Proposal is made in outline (all matters reserved except for the principal access). **At this Appeal therefore, there are two principal matters to consider, namely:**
- 1) the principle of the development; and**
 - 2) the detail of the main access.**
- 7.18. Accordingly, the issue on point 1 - principle of development - essentially comes down to whether the Appeal Proposal is acceptable as "up to" 115 dwellings, as set against a Site Allocation for "approximately" 110 dwellings. Given the agreement in the General Matters SoCG, the principle of this proposal is unanswerably consistent with the policy of allocation.

8. Main Issue 1: Landscape, Character and Appearance

8.1. The issue is raised in the revised Reasons for Refusal (and original contained in the Officer's Report). I have referred to the relevant Reason for Refusal no. 1 in the MBC's Statement of Case now alleges (my summary):

- *Unacceptable harm to the character and appearance of the local area, which lies in the Low Weald Landscape of Local Value, due to the visual prominence of the development in a semi-rural locality, which has not been adequately considered or respected in the design, layout and form of the development.*
- *The indicative sizes and number of dwellings – which mean that the development is unable to provide lower densities and built form on the western portion of the site to reflect its adjacency to open countryside.*
- *The proximity of dwellings to the southern and western boundaries, with intervening attenuation basins, results in a lack of sufficient space for landscaping to suitably mitigate and assimilate the development into the area and there are inadequate structural landscape buffers within and across the site from east to west to break up the massing and roofscape.*
- *The result is a form of development inappropriate for the rural edge of Headcorn and be harmful to the local area which is contrary to NPPF paragraph 135 and policies LPRSP14(A) (part 1b), LPRSP15 (parts 2, 6 and 7) and LPRSA310 (parts 7 and 8) of the Maidstone Borough Local Plan Review 2024.*

8.2. The case for the Appellants is set out initially in the SoC that there is a degree of change and associated impacts that have been accepted by the allocation of the Site and its inclusion within the settlement boundary. I have outlined extensively the background to the LPR in **Section 5** noting that it is highly relevant that the LPR was produced with landscape evidence, with the landscape fully considered (see above). It is also relevant that the Low Weald LLV currently covers both existing settlement and sites to be developed for housing. It covers the whole of Headcorn. Hence the built form of village itself remains part of the landscape character (with examples of past consents, i.e. immediately to the north in the LLV - Catkin Gardens) as acknowledged by MBC within the Landscape SoCG (**CD 5.6**). Further, the site was allocated in full knowledge of the designation of the site in the LLV. I do not consider that MBC has considered such points (adequately or at all) in refusing the original application or in their SoC for the Appeal.

8.3. The area of Landscape dispute (see Landscape SoCG) is in respect of whether the Site itself can accommodate the proposed level of development in respect of landscape and open space considerations. The pertinent issue is whether the Appeal Proposal is an appropriate transition to the countryside beyond, and the policy compliance of the Proposal as set against the evidence and the LPR allocation (Policy SA310).

Character & Appearance re: Design and Landscape

8.4. It is plainly acceptable for new dwellings to gain planning permission in the Low Weald LLV. This has been the case in the past, noting that the LLV was also designated in the previous MLP (see **Section 4**). The LLV is designated across the whole of Headcorn. A minimum of 330 dwellings are planned in Headcorn, and hence it is inevitable that there will be further growth of the village all of which sits in the LLV. The LPR, when read as a whole seeks to protect the LLV whilst meeting development needs (see my analysis in **Section 5**, notably paragraphs 5.).

- 8.5. I do rely on the evidence of Mr Morgan (Design Report which forms **Appendix 2** to my PoE) in respect of design matters generally. I also rely on the evidence of Mr Mylchreest in respect of landscape impacts. In particular, my planning evidence is on the basis that I interpret MBC's position to be that the Appeal Proposal goes above and beyond what is required by the policy of allocation, noting the criterion therein (i.e. that there is some form of harm). I have provided my comments on the compliance of the Appeal Proposal with those criterion in **Section 5**. Notably, MBC has agreed accordance with a number of these in planning and landscape/visual terms within the corresponding SoCG (**CD 5.8 and CD 5.6**).
- 8.6. Mr Morgan concludes that the Appeal Proposal has been developed through a robust analysis of both the wider and immediate site contexts. The design proposals have due regard to the architectural character of the area, the heritage and landscape setting to create a high-quality environment. He notes compliance with NPPF Chapter 7, and relevant Local Plan design policies. Mr Morgan also notes appropriate compliance with the National Design Guide (**CD 10.2**). All should be considered in the context that only permission for the principle of development is sought now, as the Appeal Proposal is made in outline.
- 8.7. As (i) the principle of development for approximately 110 dwellings is acceptable; and (ii) it is agreed that 115 dwellings is approximately 110 dwellings; then (iii) it must be accepted that the principle of this Proposal is acceptable. It follows that there must be a scheme of 115 dwellings which is acceptable. The detail, layout and landscaping of such a scheme is for the Reserved Matters.. There is no arguable basis for refusal of this outline application. Further, the illustrative material confirms why it is correct that the principle of 115 dwellings (approximately 110 dwellings) is acceptable and how an appropriate scheme can be delivered through the Reserved Matters.
- 8.8. The Council cannot rationally argue that there is *not* an acceptable scheme for 115 dwellings (approximately 110 dwellings) in principle because that it irreconcilably inconsistent with: (i) all of the evidence submitted to the LPR Examination process; and (ii) the allocation of the site for approximately 110 dwellings. Indeed, the LPA do not seek to argue that it is the marginal difference between approximately 110 dwellings and 115 dwellings which is unacceptable in principle. There is, therefore, no robust basis for the refusal.
- 8.9. Further or alternatively, Mr Mylchreest concludes that the landscape of the site has medium sensitivity. He acknowledges the *inevitable* change to the landscape that would result from the allocation and the Appeal Proposal – and hence provides his opinion of the level of harm and its acceptability, noting some localised harm. I agree that the Site is a valued landscape in respect NPPF paragraph 187 as it is part of the Low Weald LLV. However, the site is allocated. Its statutory status is as an allocated housing site. The site is not "protected" from housing development (for the purposes of NPPF 187(a)).
- 8.10. I also agree that the Appeal Proposal will inevitably (and unavoidably) alter the character of the Appeal Site and result in some harm to the local level to a number of facets of the landscape resource. That would inevitably result from the allocation of the site. Such inevitable harm cannot rationally result in refusal of an outline scheme.
- 8.11. I agree with Mr Mylchreest that this harm is acceptable, on the basis of topography and the existing settlement / vegetation pattern – and agree that his conclusions of any additional harm arising owing to a development quantum of up to 115 dwellings (over an allocation of approximately 110 dwellings) is negligible.

- 8.12. In Planning terms, the starting point is the allocation. This was underpinned by evidence informing the LPR, as I have outlined extensively in **Section 5**.
- 8.13. In this respect, I do refer to the recent appeal decision in Marden (**CD 11.4**) whereby the Inspector states (emphasis added in bold):

*29. The main parties rationally agreed, however, that the criteria to **policy LPRSA295 can only sensibly be understood as giving effect to development of approximately 113 dwellings. Were I to read it a different way, for example if compliance with LPRSA295 criteria were such that only a scheme significantly below approximately 113 dwellings could be delivered in a policy-compliant manner, that would effectively call into question the robustness of that allocation.** The implications of such a skewed approach would be even more far-reaching; alongside other allocations, the appeal site is considered by MBC to be deliverable within the terms of the NPPF. Questioning that would also logically entail questioning whether MBC can, in actuality, demonstrate an adequate forward supply of deliverable sites.*

*30. The foregoing line of questioning would also exist were I to accept MBC's position that LPR site allocations were 'landscape blind' (a phrase in the officer report associated with application ref. 23/504068/OUT). **Notwithstanding the extent of any assessment of, or comparative analysis between, sites informing the LPR, evidently MBC were satisfied at examination that the site could accommodate 113 dwellings or more in landscape terms.***

31. As above, the site was also assessed as being deliverable through the SHLAA. Moreover the Borough's administrative area covers swathes of protected landscapes. At a strategic or overarching level, it would therefore be untenable to suggest that the landscape implications of development did not inform the approach in the LPR.

- 8.14. A judgement on the impact on character and appearance must therefore consider, as an acceptable baseline, the LPR evidence to the Plan and the interpretation and application of the policy allocation for "approximately" 110 dwellings, as addressed in a very recent appeal decision (above). My opinion is that change need not be a harm. Even so, where a landscape harm is identified, if the harm is no more than the inevitable consequence of the principle of the allocation (as in this case), such harm must be acceptable or else the allocated site could not be delivered (as the Inspector concluded above). As the harm is no more than to be expected against the allocation, there is no arguable basis for a Reason for Refusal.
- 8.15. I also consider it relevant that the Low Weald LLV 'washes over' the whole of Headcorn. Hence factually, this local landscape designation includes the urban area and semi urban areas which are allocated for development.

Indicative Sizes / Number of Dwellings

- 8.16. The indicative sizes/ number of dwellings is exactly that. The Reserved Matters for up to 115 dwellings will inform the scale, appearance, layout and type of dwellings. The evidence of Mr Morgan illustrates this. I interpret the term approximately, as its proper meaning, which the Appeal Proposal complies and has been agreed by MBC within the General Matters SoCG (**CD 5.8**). LPR paragraph 7.4. is clear that "*the number allocated through plan policies is not a maximum requirement nor is it finite*". The evidence supporting the LPR, including the housing trajectory, anticipates 110 dwellings, similarly this is for monitoring purposes and contributes to MBC's position that the Site is in the five-year housing land supply.

- 8.17. In the recent Yalding appeal decision (**CD 11.3**), the Inspector also took that view (see paragraphs 23 and 24) (emphasis added in bold):

“23. The Local Plan does not define ‘approximately’ for the purposes of policy LPRSA248. The parties were in agreement that whether or not the proposed 112 dwellings and 33 dwellings per hectare is approximately 100 and 30 of the policy is a matter of judgement to be exercised by the decision taker.

*24. The Oxford Dictionary of English defines approximately as ‘close to the actual, but not completely accurate or exact’ and the generally understood meaning and use of the term conforms with this definition. **On this basis I am satisfied that both 112 and 33 can, for the purposes of Policy LPRSA248, reasonably be considered to be approximately 100 and 30 respectively”.***

- 8.18. It is also notable that within the recent Marden Appeal Decision (**CD 11.4**) that the parties, including MBC agreed that up to 117 dwellings would be compliant with a LPR policy that stated ‘approximately 113 dwellings’ as detailed below (emphasis added in bold)::

*“15. Of particular relevance to the appeal site is LPR allocation LPRSA295, whereby the appeal site is allocated for ‘approximately 113 dwellings’. In line with the statutory basis for decision taking, the development plan is effectively the starting point for determining proposals. Although there may very well be other material considerations, **the function of an appeal is not to amount to some form of re-examination of extant policies.***

*16. Rationally **there is no dispute between MBC and the appellant (the ‘main parties’) that ‘up to 117’, or indeed 117 dwellings itself, would be compliant with that policy numerically. Down to a certain threshold that would also, clearly, be true of a lesser number. Allocation LPRSA295 was informed by an earlier call for sites process and MBC’s associated strategic housing land availability assessment (‘SHLAA’).**”*

- 8.19. Overall, 115 dwellings is not materially different to 110 dwellings and within the same tolerances deemed acceptable in the appeal decision discussed above. Hence the difference between 110 dwellings and 115 dwellings is inconsequential in my opinion. The numerical difference is now accepted by MBC to be consistent with the policy of allocation (see the General Matters SoCG **CD 5.8** Table 4.1 Criterion 1).

- 8.20. It is also important to address the type of application that is being considered: an outline application whereby all matters other than access are reserved for later stages of detailed design. Thus, it is clear that details such as the size, form and design of the dwellings are reserved for a later stage.

- 8.21. In respect to densities, I refer again to the recent appeal decision in Marden (**CD 11.4**):-

“83... the scheme is in outline. Following on from my reasoning above, there is some inherent flexibility. Residential density, at best an approximation for effects, is also a numerical calculation of the number of dwellings accommodated within a given area; any tightly-drawn area around several properties will inevitably result in a higher apparent density that a broader approach considering those properties within their wider context. There are flats towards the south-eastern corner of Russet Grove which might reflect similar residential densities if considered in isolation. I am not of the view that the illustrative layout indicates that LPRSP15 could not be complied with in respect of ensuring a suitable relationship with the surrounding built environment in that respect.

84 Reinforcing that reasoning, the site as a whole is approximately 5.96ha. Even if 117 dwellings were delivered, mathematically that would represent an overall density of around 20dph. That is a relatively low figure, including set against policy LPRHOU5 criterion 5. That policy sets out that at or adjacent to Rural Service Centres, as Marden is categorised, ‘development will be expected to achieve a net density of 30 dwellings per hectare where that is compatible with the individual settings of those sites.’ Although each proposal turns on its merits, I note that in absolute terms development at Russet Grove represents a far higher overall density (124 dwellings on a site of 4.20ha amounting to just under 30dph).”

- 8.22. Mr Morgan notes that previous iterations of the Masterplan for the Site during the LPR promotion and during pre-application consultation were for a greater quantum of dwellings. He notes, that the density of the Appeal Proposal is just over 30 dwellings per hectare (net) – hence in compliance with policy HOU5. It should be expected to go any lower as there is the requirement to make efficient use of land (or else even more greenfield sites will be required to be developed in *less* sustainable locations not yet allocated). He also notes, that it is possible for the density to reduce on the proposed urban/ rural fringe to a lower net density in these areas. All of course, in the context of NPPF Chapter 11 which seeks making an effective use of land (for example NPPF paragraph 129).

Proposed Landscaping

- 8.23. In respect of the proposed landscaping, this is also a Reserved Matter. Mr Mylchreest concludes that there is sufficient scope for appropriate landscaping, which is hardly surprising given the relatively low level of net developable land, relatively low density proposed and significant areas for such landscaping. There can be little dispute than an acceptable scheme can be delivered through the Reserved Matters. The now common ground position on the open space provision against the requirements, outlined in **Section 10**, also supports this.

Overall – Commentary on Relevant Planning Policies

- 8.24. NPPF paragraph 187 refers to protecting and enhancing valued landscapes “*in a manner commensurate with their statutory status or identified quality in the development plan*”. This should be considered against the LPR allocation of the Site (the ‘statutory status’ of the Appeal Site). I have outlined in **Section 5**, with relevant commentary in this Section why the Appeal Proposal complies with the criterion of allocation SA310. Therefore, it follows that the Proposal also complies with the protection of the Low Weald LLV required by the NPPF. As I have outlined, the Development Plan must be read as a whole (noting that certain policies always push/ pull in different directions), in a manner that renders it internally consistent. Therefore the allocation of SA310 must be acceptable and consistent with the SP14(A) criteria also. As 115 dwellings is consistent with approximately 110 dwellings, it must follow that this Proposal is also consistent with SP14(A), subject to detailed design through the RMA.
- 8.25. I also note that the interpretation and application of LLV considerations (and specifically the quantum/ density proposed) resulted in the recent appeals on allocated sites in Yalding and Marden being allowed.
- 8.26. I therefore conclude that, sufficient for the grant of outline planning permission, 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.

9. Main Issue 2: Heritage

- 9.1. The Heritage issue is raised in the revised Reasons for Refusal (and original contained in the Officer's Report). I have referred to the relevant Reason for Refusal no. 2 in the MBC's Statement of Case now alleges (my summary):
- *Demolition of the curtilage listed former Granary is contrary to the NPPF paragraphs 206a) and 207 and policies SP14(B) (parts 2 and 4) and ENV1 (parts 1 and 4) of the LPR.*
 - *The loss of the heritage asset will cause substantial harm and there is a lack of justification or mitigation to justify the loss of the asset or proposed a new structure that reuses the existing materials.*
- 9.2. I do rely on the evidence of Ms Stoten in respect of heritage generally. I have provided relevant analysis of national policy in **Section 6**, including the basis of the required separate balancing exercise on heritage matters. This has informed my overall conclusions and Planning Balance in **Section 15**.
- 9.3. The situation here is that the Appeal Proposal seeks consent for the demolition of "the Granary" building. This will facilitate its eventual replacement with a new structure (as a Reserved Matter / separate Listed Building consent). The Granary is Curtilage Listed as part of The Moat (Grade II Listed Building). There is now no alleged heritage issue or harm to the Conservation Area (see Heritage SoCG **CD5.5**).
- 9.4. It is notable that a Listed Building Consent application (Ref: 23/505693/LBC) has already been submitted during the determination of the original application. It was refused on 8 February 2024 (**CD 14.7**). I understand from colleagues that prior to this, MBC did not share any comments on the Listed Building Consent application including Conservation Officer comments. It was decided that a separate appeal would not be made against the refusal, because the original intention was simply to demolish the Granary – it not being known originally that it was Curtilage Listed. Following further discussion with MBC, the Appellants decided to offer a replacement building. As such, ultimately the proposals for the Curtilage Listed building have been amended to allow for a 'like for like' replacement – its management secured via the S106. This is further detailed within Ms Stoten's evidence, including illustrative plans prepared by James Clague Architects. The Appellants are preparing a new Listed Building Consent application to submit shortly which reflect the information within Ms Stoten's evidence. The detail may of course be secured by this separate Listed Building consent and appropriate condition / Reserved Matters should the Appeal Proposal be allowed.
- 9.5. Separately, there are the remains of a Royal Observer Corps (ROC) underground station (constructed in the 1960s) toward the north east of the Site and a likelihood of archaeological potential on the land around the derelict farm buildings to the south east of the Site. These features are unaffected by the Appeal Proposal (the analysis by Mr Morgan – **Appendix 2** illustrates this), and can be controlled by appropriate condition. The former underground station simply needs to be preserved in situ, and can be located underneath a road. This is all noted as the position of the Senior Archaeological Officer (at KCC) (**CD 3.16**).

Background

- 9.6. The Granary building is in a poor state of repair and is now visually separate from The Moat. It, and the surrounding buildings presently detract from the local environs and character. It is however, in the Curtilage of a Listed Building (thus in the curtilage of the Designated Heritage Asset – The Moat, Grade II Listed).

- 9.7. The Proposal seeks approval for its demolition. I accept this is a harm, and there will be an adverse impact. A significant material consideration is that the building will be replaced. On balance, I judge this to be an enhancement and indeed a benefit facilitated by the Proposal.

Harms

- 9.8. A heritage objection is only advanced by MBC. There is no objection from Historic England nor any other local heritage interest group.
- 9.9. I acknowledge that the NPPF attaches considerable importance and weight to heritage assets and here we are dealing with a building in the curtilage of a Listed Building, not the Listed Building itself. I acknowledge also that any harm must be judged as a conflict with the statutory requirement (s.66 P(LB&CA) Act 1990). However, the decision maker must consider the actual impact, as per *Palmer vs Herefordshire County Council* Neutral Citation Number: [2016] EWCA Civ 1061 (**CD12.6**).
- 9.10. Ms Stoten outlines that the heritage harm is less than substantial to Grade II Listed Moat, arising from the demolition of the curtilage Listed Granary as a heritage asset (this is now common ground – see **CD5.5**). Through passage of time its separated from listed structure and in such a state of disrepair it will fall down in time – thus the impacts are low. This evidence is articulated clearly by Ms Stoten. In my opinion, the impacts are no more than should be anticipated by the allocation, for approximately 110 dwellings (noting this allocation, in scale was reduced during the production of the LPR, as I have acknowledged in **Section 5**) – thus there is no appreciable difference. Hence, similar to landscape, heritage factors were considered through the production of the LPR (as I outline in **Section 5**).
- 9.11. I agree with Ms Stoten, and likewise I would not anticipate that there would be any appreciable difference in terms of heritage harm to The Moat between the proposed 115 dwellings and the approximately 110 dwellings stated in the allocation.
- 9.12. A dispute remains with MBC as to whether the Granary itself is a Designated Heritage Asset – which I leave to Ms Stoten’s evidence. I rely on Ms Stoten, and hence I judge that the relevant NPPF paragraph is 215 and hence an assessment of the public benefits is required against the less than substantial harm. I acknowledge some harm and hence this needs to be considered in the context of the allocation and weighed against the public benefits. These benefits (as I outline in **Section 14**) include the replacement building facilitated by the Proposal.

Benefits

- 9.13. As I have outlined, the Appellants have prepared indicative plans to demonstrate the way in which the proposed replica building could come forward. The Methodology or Repair and Reconstruction report also details how retained historical materials from the existing structure can be utilised within the building.
- 9.14. Ms Stoten acknowledges that of the works to the Granary are considered in isolation, they are an enhancement to the heritage significance of The Moat as a Listed structure, including its curtilage Listed structure.
- 9.15. These plans and the report are appended to Ms Stoten’s evidence. In summary these plans demonstrate the following proposed works:

- 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 and removing redundant timbers as identified on the attached drawings.
- 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.

9.16. The plans for the proposed structure are solely illustrative at this stage, the detailed design and use of the structure will be addressed during the Reserved Matters stage. Furthermore the proposed demolition and replacement of the Curtilage Listed Building needs to be secured through a Listed Building Consent Application which is currently being prepared. All facilitated by the Appeal Proposal.

Heritage Balance

9.17. 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.

9.18. I consider that it is clear that, notwithstanding the need to have special regard to the desirability of conserving and enhancing a designated asset by giving great weight to any harm, that the balancing exercise which is to be carried out under paragraph 215 of the NPPF comes down overwhelmingly in favour of the Appeal Proposal, noting that included in the benefits is a replacement Granary building. The limited heritage harm which has been identified, and in the context of the allocation for approximately 110 dwellings, would be outweighed by the demonstrable, wide-ranging public benefits of the Appeal Proposal. The separate heritage balancing act is passed, and hence does not weigh against the Appeal Proposal in the overall planning balance. I factor this conclusion in my overall conclusions on the planning balance in **Section 15**.

9.19. The other archaeological factors on the Site attract no objection from KCC, and may be subject to a condition.

Overall – Commentary on Relevant Planning Policies

9.20. 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.

10. Main Issue 3: Public Open Space

10.1. The issue is raised in the revised Reasons for Refusal (and original contained in the Officer's Report). I have referred to the relevant Reason for Refusal no. 3 in the MBC's Statement of Case now alleges (my summary):

- *Inadequate natural and semi-natural open space that can be used by the public due to a lack of information to demonstrate the attenuations basins are wet ponds and that the ecological habitat/mitigation areas are not publicly accessible.*
- *There is also a lack of community garden provision on site and therefore it is considered that the Appeal Proposal conflicts with policies SP13 (parts 2 and 8(c)), SA310 (parts 25 and 26) and INF1 (parts 1 and 2) of the LPR.*

10.2. Through the General Matters SoCG (**CD 5.8**), the parties have agreed on the level of open space at the site which sets out a suitable condition (see paragraph 4.13 of the SoCG) to control this at Reserved Matters stages. Notably the parties have agreed:

- No less than 0.8ha amenity green space including children's play space;
- 0.25ha of community gardens;
- No less than 1.9ha of natural/semi natural space (not including the emergency access or eastern buffer;
- Attenuations basins to contain water all year round.

10.3. To demonstrate this is achievable, the Open Space Performance Plan (Rev 15g) has been updated and has been agreed by the parties following the submission of the SoCG. I attach this plan at **Appendix 3** of my PoE.

10.4. As per the SoCG, **MBC are no longer contesting the Open Space Reason for Refusal.**

Overall – Commentary on Relevant Planning Policies

10.5. The Appeal Proposal therefore complies with policies SP13 (parts 2 and 8(c)), SA310 (parts 25 and 26) and INF1 (parts 1 and 2) of the LPR.

11. Main Issue 4: Safe Pedestrian and Cycle Access

11.1. The issue is raised in the revised Reasons for Refusal (and original contained in the Officer's Report). I have referred to the relevant Reason for Refusal no. 4 in the MBC's Statement of Case now alleges (my summary):

- *Lack of demonstration of safe pedestrian and cycle access when the secondary access route is to be used by vehicles during major flood events.*
- *No evidence to demonstrate safe cyclist access to the A274 via the alterations to Moat Road.*
- *The Appeal Proposal is considered by MBC to be in conflict with NPPF paragraphs 108(c), 110(d), 114(a)(b), 116(a)(c) and policies SP12 (part 3(b)(e)(k)), SP15 (parts 1 and 11) and SA310 (parts 18 and 20).*

11.2. As set out in **Section 5** of my evidence, I do not consider policy SP12 relevant to the Appeal Proposal. Parts 2 and 3 of the policy relates to how MBC will prepare an updated Integrated Transport Strategy and how they will go about it. Thus, it is not directly relevant for applicants/ developers to consider within their development proposals.

Highways Matters

11.3. I do rely on the evidence of Mr Neale in respect of highways matters generally and the agreement reached with the Local Highway Authority.

11.4. I note, also that Kent County Council (as Highways Authority) has no objection to the Appeal Proposal (**CD 3.27**).

Primary Access

11.5. The primary vehicular access to the Appeal Site is from Moat Road as required by criterion 17 of policy SA310 and has been designed, including visibility, to meet the requirements of the recorded speeds of traffic.

11.6. The Movement Plan included in the DAS (**CD 1.8**) illustrates one way pedestrian and cycle movement will flow through the Appeal Site – which is further illustrated by Mr Mogan (see **Appendix 2**). Within the Appeal Site the a network of new foot and cycle paths are possible to connect the green infrastructure and residential areas. The existing public right of way link across the south of the Appeal Site will also be retained with a slight diversion across the access road. The off-site S278 works will provide a pedestrian pavement on the side of Moat Road, and associated traffic calming / priority direction measures, which will reinforce to drivers that they are approaching a settlement whilst providing safe walking and cycling space. The Appeal Proposal complies with Active Travel England's movement hierarchy set out in their Standing Advice Note (**CD 3.8**). Mr Neale's PoE provides a detailed assessment of the sustainable transport opportunities for the Appeal Site and how the Proposal complies with Chapter 9 of the NPPF. With the above in mind, I consider that the Proposal complies with criterion 1 of Policy SP15.

Safe Pedestrian and Cycle Access via the Secondary Access Route

- 11.7. A secondary access is proposed to the north east of the Appeal Site connecting to the A274 (Millbank) and utilises an existing track. This route will only be available to vehicles within the development in extreme flood events (1:100 + climate change allowance). It will be available to pedestrians and cyclists at all times.
- 11.8. If the secondary access is required in an emergency, due to the nature of the access road, pedestrians and cyclists would likely take priority over vehicles. The nature of the route would also result in low vehicle speeds and allow for good forward visibility allowing for likely priority to pedestrians and cyclists rather than motorised vehicles. Mr Neale's evidence details how the condition of the route is suitable in terms of surfacing and lighting. There is enough room for a vehicle and pedestrian/cyclist to pass safely.
- 11.9. Additional opportunities for pedestrian access are situated at the north western corner of the Appeal Site which links to the public right of way which is a bound surface within the development to the north. Thus, meeting the requirements of criterion 20 of Policy SA310. This can be accessed via the track running east-west, directly north of the Appeal Site.
- 11.10. It follows that there is no issue with the use of the secondary access.
- 11.11. Further or alternatively, the detail of the link to this access (via the layout of the Appeal Proposal) is not being sought now. It is the principle of the secondary access which is relevant. In allocating the site for approximately 110 dwellings, the LPA were satisfied an appropriate solution via a secondary access could be achieved. This is supported by the Appellant's highway evidence. The LPA cannot rationally argue that there is no secondary access which can be achieved *in principle* because that is to question the allocation. There is, therefore, no arguable Reason for Refusal.
- 11.12. In respect of flood risk and drainage, the Appeal Proposal attracts no objection from either the Environment Agency (**CD 3.10**) nor the LLFA (**CD 3.22**). The flood risk/ drainage concern of MBC relates to the necessity for a safe secondary access during any flood events.
- 11.13. A highways technical note (**CD 1.35**) was submitted during the determination of the application to demonstrate the access proposed to the north of the Appeal Site is suitable for emergency access. KCC Highways response (**CD 3.27**) confirms:
- “Lastly, it is also noted that the applicant has provided further detail on the suitability of the proposed emergency access route. Whilst there is a section that is restricted to the one-way flow of traffic this is set far enough back to allow two vehicles to pass, without leading to waiting on the public highway. The straight alignment of the track also assists in allowing good intervisibility between opposing vehicles.”*
- 11.14. This access will only be used in the event a major flood event impacts the Appeal Site which is likely to be a very rare occurrence as determined in the Flood Risk Assessment (**CD 1.20**).
- 11.15. I agree and rely on Mr Neale that the secondary access to the north is appropriate for the use of pedestrian cyclist and vehicles. I note that this is the same conclusions that were made by KCC Highways.

Access for Cyclists to A274 via Moat Road

- 11.16. The Appeal Proposal for the access and footway scheme have been presented to MBC from the early stages of the LPR preparation. Minimal changes have been applied to this proposal since this stage. As I outlined in **Section 5**, following the LPR examination hearing for policy SA310, the Inspector requested the insertion of 'safe' and 'along Moat Road'. I refer to Mr Neale's evidence in respect of the proposed access arrangements and their safety. Additionally, I reiterate that KCC Highways has no objection to the Appeal Proposals and confirm the acceptability of the independent Stage 1 Road Safety Audit.
- 11.17. Mr Neale describes the context of on street and off street cycling in the village noting the low accident rate. Mr Neale notes that no off carriageway route is possible due to local constraint to which I agree. It is not clear what (if anything) MBC consider it is necessary for this Appellant to do.
- 11.18. I also agree that the relevant guidance is provided LTN1-20 and rely on Mr Neale's opinion of compliance with it. It's noteworthy that the Maidstone Local Cycling Walking Infrastructure Plan (**CD 8.36**) does not highlight any specific measure for cycling witing Headcorn. On the basis of the scale of the Proposal and the likely impact, the evidence does demonstrate that off carriageway cycle improvement would not be necessary nor would be possible nor planned for with the relevant strategies. There is, of course, the opportunity to masterplan cycle infrastructure within the Appeal Site, as a Reserved Matter.
- 11.19. Finally (again) this is an outline application and this issue relates to *off-site highway works* which are not for determination. The Appellant asserts that the Proposal is acceptable and the Highways Authority agree. If, however, there is something further that MBC require (and this is demonstrably *necessary*) it can be addressed by a condition requiring off-site highway works. This cannot be a Reason for Refusal of this scheme.

Overall – Commentary on Relevant Planning Policies

- 11.20. The Appeal Proposal therefore complies with LPR policies SP12, SP15, SS1, and the relevant paragraphs of the NPPF, as I summarised in **Section 6**.

12. Other Matters

12.1. The Key Issues identified for this Appeal have been addressed throughout my evidence. Here, I address any other relevant matters, including commentary on the representations of key / statutory consultees. I do reserve my position to provide any further comments as necessary, in respect of any public comments made during the Inquiry itself.

Housing Land Supply

12.2. **Appendix 1** includes an update assessment of MBC's five-year housing land supply (5YHLS) on the basis of their recent publication (**CD 8.29**) – note this publication was made by MBC post the Appeal submission and Case Management Conference. I have amended the five year supply on the basis of the application of the NPPF 5% buffer (as now required by NPPF Paragraph 78). This would confirm a land supply of **4.87 years**. The Appeal Site is included in the supply - year 5 for 40 dwellings. This is a material consideration of significant weight. The LPA are failing to meet the *minimum* requirement of national planning policy, set against a *minimum* housing requirement. Such a deficit should be remedied urgently. Further, it re-inforces the emphasis on optimising development on sustainable sites (consistent with NPPF paragraph 11).

Affordable Housing Provision / Housing Affordability

12.3. Paragraph 7.16 of the LPR (**CD 6.1**) confirms MBC's affordable housing need as 559 households per year (equivalent to 8,385 across the Plan Period). This figure is confirmed in paragraph 1.8 of the SHMA (**CD 8.39**). This has increased from the required supply of the Former MLP (**CD 6.2** paragraph 4.126) of 322 households per annum. I also note that Paragraph 5.25 of the SHMA explains that MBC's supply of affordable dwellings is limited:-

Indeed, the Council's Allocation Scheme of April 2019 is clear that the authority operates a 'closed list' register with qualifying entry requirements in order to be accepted onto the register. Having a closed list recognises that the supply of subsidised housing in the borough is limited and that the Council needs to concentrate resources on those with a greater need.

12.4. However, the present waiting list for a Council property is 1,307 as confirmed on the Ministry of Housing, Communities and Local Government "Live Table 600: Number of households on local authority housing registers (waiting lists)" (**CD 13.7**).

12.5. Table 8 of the most recent MBC Annual Monitoring Report (AMR) (**CD 8.40**) confirms that between 1st April 2023 to 31st March 2024 MBC delivered 189 affordable dwellings. This is below both the Former MLP and the up to date LPR requirement. Given the need within the borough this is a significant undersupply and the approval of the Appeal Proposal will support the delivery of new affordable dwellings. In this respect the Appeal Proposal will provide 40% affordable dwellings in accordance with Policy HOU10(B) which equates to 46 dwellings. These will be brought forward in a tenure split of 75% social rent and 25% shared ownership. This provision of affordable dwellings is a material consideration weighing in favour of the Appeal Proposal.

12.6. The average house price to earnings ratio in Maidstone Borough was 10.49 in March 2024, with an average house price of £350,000. Both are above the average for England (source ONS data).

Socio Economic Benefits

- 12.7. The Appellants have extensive experience of promoting new residential development. From my experience, I would anticipate the following broad socio-economic benefits arising from the Appeal Proposal: -
- CIL money, paid at the prevailing rate £99 per sq m (index linked)
 - Permanent jobs on site (comprising of home workers) and off-site jobs associated with new employment supported by new dwellings in Maidstone Borough induced by new residential expenditure;
 - Additional residential expenditure retained in Maidstone Borough. This could amount to c.£500,000 - £1m per annum from a development of this scale.
 - Additional Council tax payments
- 12.8. The new permanent residential population would generate additional demand by increasing household spending in the local area (specifically Headcorn), which could be around £2-£2.5 million per annum. Initial expenditure by residents on services and items to furnish their new dwellings will be in addition to this sum.
- 12.9. These benefits were also conveyed in the evidence for the recent Marden and Yalding Appeals (which I referred in **Section 5**). These developments were of a similar scale to the Appeal Proposal. These benefits are a material consideration weighing in favour of the Appeal Proposal.

Tree Protection Orders (TPOs)

- 12.10. The Appeal Site is affected by TPOs. These are TPO No.5 1986:G1, G2 and G3 located to the north and centre of the Site. The Appeal Proposal leaves these TPOs unaffected. I have been made aware that the trees covered by two groups G4 & G5 within the order are no longer present on the Site – as confirmed by the Arboricultural Impact Assessment 2023 (**CD 1.36**). I am unaware as to why this is. At this point in time, as a material consideration relevant for the determination of this Appeal, the present trees on site and those still existing under the TPOs are that relevant. None are affected by the Appeal Proposal, and the detailed landscape design, remains a Reserved Matter. I therefore do not judge the impact on trees to be a harm arising from the Appeal Proposal.

Key / Statutory Consultee Representations

- 12.11. I recognise that there are no statutory consultee objections to the Appeal Proposal. As summarised in the Officer's Report (**CD 4.2**), a number of the statutory consultees have confirmed that they have no objection subject to conditions and / or financial contributions.
- 12.12. The majority of the planning conditions required to make the Appeal Proposal acceptable in planning terms are likely to be common ground, though at the time of writing these are not all agreed. MBC have provided a draft list of conditions (**CD 5.9**), which remain under discussion – some of which are required to address consultee representations. I have discussed the position generally in respect of conditions and the intended S106 agreement in **Section 13** of my PoE.

Third Party Representations

Headcorn Parish Council (HPC)

12.13.HPC provided a consultation response to the Appeal Proposal (**CD 3.46**). Their main reasons for objection can be summarised as follows:

1. Access arrangements;
2. Open space provision;
3. Flooding;
4. Landscaping;
5. Infrastructure and prematurity; and
6. Environmental issues.

12.14.I have already responded to these concerns throughout my PoE. Matter 1 is addressed in **Section 11** and explored in more detail in Mr Neale's PoE. Matter 2 is addressed in **Section 10** of my PoE and is now common ground with MBC. Matter 3 does not form a Reason for Refusal and KCC Flood and Water Management raised no objection to the Appeal Proposals at the application stage. Matter 4 is covered in **Section 8** of my PoE and the evidence of Mr Mylchreest, noting that detailed landscape is a Reserved Matter. Matter 5 draws a parallel with updated Reason for Refusal 6 (absence of a S106 agreement) which is addressed in **Section 13** of my PoE. HPC consider the Appeal Proposal to be premature and will not accord with Headcorn's Neighbourhood Plan. I do not consider the Appeal Proposal to be premature on the basis that the Appeal Site is allocated for residential development under policy SA310 of MBC's adopted LPR. The Decision Notice issued by MBC does not refer to the Headcorn Neighbourhood Plan and the Neighbourhood Plan is not yet formally made and therefore carries limited weight at this stage. Matter 6 does not form a Reason for Refusal, the Biodiversity Net Gain (BNG Assessment (**CD 1.13**) indicates that the development will result in 90.18% net gain in area habitats (+15.20 habitat units) and 20.00% net gain in hedgerows (+1.82 hedgerow units). Additional bat surveys have been undertaken and submitted with the Appeal to respond to previous queries raised by KCC Ecology (**CD 3.25**).

Public Objections

12.15.The Appellants have monitored and reviewed third party representations raised by members of the public during the determination of the original application and the Appeal.

12.16.At the time of the delegated Officer's Report being prepared, there were noted to be 79 objections to the scheme. Circa 8 objections were received on the Appeal Proposal. The main objections related to various matters which I have grouped together below to address. For the avoidance of doubt, I have focused on planning issues rather than other general issues. By way of an example; procedurally, concerns regarding the level of detail in an outline planning application are not a matter for determination in this Appeal. I therefore do not address matters of this nature.

- **Countryside, landscaping and planting / habitat considerations** – I address landscape considerations in **Section 8** of my PoE. Mr Mylchreest’s PoE also provides further detail on the landscape impact. A Biodiversity Net Gain Assessment (**CD 1.13**) supported the application. The calculation indicates that the development will result in 90.18% net gain in area habitats (+15.20 habitat units) and 20.00% net gain in hedgerows (+1.82 hedgerow units). Although KCC Ecology expressed that insufficient information had been provided during the determination of the application in relation to the presence / likely absence of bats in one of the existing buildings. Bat Emergence Surveys for Building B4 were submitted with the Appeal to resolve this (**CD 1.38**). Furthermore ecology and protected species did not form a Reason for Refusal. As I have outlined, notably in **Section 5**, the Appeal Site is no longer in the identified countryside – it is allocated in the LPR, and within the settlement boundary of Headcorn.
- **Visibility of development** - I address landscape and visibility considerations in **Section 8** of my PoE. Mr Mylchreest’s PoE also provides further detail on the landscape impact and visibility of the Appeal Proposal.
- **Access, transport and highways matters** – I address this in **Section 11** of my PoE. Mr Neale’s PoE also provides further detail on these matters in accordance with national and local requirements. As I have noted, the Appeal Proposal attracts no objection from KCC Highways (**CD 3.27**).
- **Pollution to the river, flooding and drainage** - In regard to run-off and pollution into the River Beult (SSSI) the Ecological Assessment (**CD 1.15**) submitted with the Application explains that the SSSI in proximity to the Appeal Site is located in private ownership with no access via public rights of way, thus it is unlikely that there will be an increased dumping or recreational disturbance caused by the development. The Appeal Proposal also includes substantial open space along with attenuation ponds, including at the far south of the site, which will further reduce any potential risk of surface water runoff or recreational disturbance. KCC Flood and Water Management were consulted as part of the application and raised no objection in relation to the proposed flood mitigation and drainage proposals (**CD 1.20**). Furthermore as set out in the Officer’s Report (**CD 4.2**), the scheme was considered acceptable in terms of flood risk.
- **Affordable housing requirements** – The Appeal Proposal will deliver a policy compliant level of on-site affordable housing. This is discussed further in **Sections 14 and 15** of PoE as a core benefit and will be secured by the S106 agreement.
- **Suitability of the site for development** – The general principle of development has been accepted through the allocation of the site for residential development under policy SA310 which set out specific criteria for its development. I demonstrate throughout this PoE that the Appeal Proposal complies with the criteria. Table 5.1 within the Appellant’s Statement of Case also sets out how the Appeal Proposal complies with policy SA310.
- **Noise, disturbance, pollution** – There have been no objections from statutory consultees on these matters and these considerations do not form one of the original Reasons for Refusal set out in the Officer’s Report (**CD 4.2**).



- **Suitability of infrastructure** - the package of S106 obligations and CIL monies provide the required mitigation to address any potential impact the Appeal Proposal will have on local infrastructure (see **Section 13**). Furthermore new improvements will be made along Moat Road as part of the separate S278 works to be agreed with KCC.

13. Planning Conditions and Obligations

- 13.1. Without prejudice, a schedule of conditions will be agreed with MBC, though at the time of writing these are no yet agreed.
- 13.2. In addition, a S106 agreement is in the process of being agreed and will be provided to the Inspector within the required timescales, or at latest, during the Inquiry. The heads of terms of the present draft S106 include:
- 40% affordable housing (on-site provision)
 - Off-site open space contribution – towards sports
 - Primary Education contribution (off-site expansion)
 - Secondary Education contribution (off-site expansion)
 - Special Education Needs contribution (off-site expansion)
 - Measures to secure Biodiversity Net Gain
 - Local Employment obligations
 - Ongoing Management of Open Spaces, and in addition the Management of the replacement building for “the Granary”
- 13.3. In this regard, and for the avoidance of doubt, in the Appellants’ Appeal Statement, queries were raised regarding the requirement for education contributions for a school elsewhere in the borough. However, since that time, the Appellants have liaised with KCC and have agreed to the requested contributions. These should be included in the draft S106 agreement.
- 13.4. MBC is a CIL charging authority and all relevant CIL forms have been completed as part of the application process. Where applicable these will be updated as part of the Reserved Matters Stages for the Appeal Proposal. To ensure that Appeal Proposal is acceptable in planning terms, the Appellants will agree a CIL R122 Compliance Statement ahead of the Inquiry.



14. Core Planning Benefits

- 14.1. The Appeal Proposal undoubtedly leads to a range of public benefits. Primary, is the provision of housing, in a location anticipated by an up to date Development Plan. This clearly provides for a range of social and economic benefits, not least the provision of affordable housing.
- 14.2. The Officer’s Report, surprisingly, does not acknowledge any benefits arising from the original application which led to the Appeal Proposal. No explanation is provided.
- 14.3. The General Matters SoCG (**CD 5.8**) acknowledges the differences between MBC and I on benefits in respect of weighting. The list/ themes of the potential benefits were agreed. I have provided an update on the weighting I have provided to some benefits, and included an additional benefit in my final analysis.
- 14.4. I outline the range of benefits and my weighting to them in **Table 14.1**.

Table 14.1 – Planning Benefits

Benefit	Weight
Provision of housing as part of the Council’s Local Development Plan for meeting their identified housing need	Substantial
Provision of affordable housing	Substantial
Replacement building incorporating existing fabric of the Granary to be used as a shelter within open space (including recording of existing)	Significant** #
Contribution to sports provision and community gardens / allotments*	Significant
Socio economic benefits, CIL monies, and additional spend	Significant**
Protection of important landscaping features include TPO, mature trees and hedgerows;	Moderate**
Provision of public open space including children’s play area	Moderate
Ecological enhancements including the delivery 90.18% net gain in area habitats and 20% net gain in hedgerows with regards to BNG	Moderate
Contribution towards improvements to the Public Right of Way network in terms of stile replacement, clearance, new signage.	Moderate
Recording and preservation of Royal Observer Corps Station	Moderate
Archaeological recording of The Moat Farm complex	Moderate
Contributions to education, children’s services , adult social care and libraries*	Limited**

**Subject to final S106 Agreement*

***Note updates position in General Matters SoCG*

#Note the heritage benefit simply is my conclusion of the public benefit arising from the visual / character improvements arising from the facilitation of a new structure. I appreciate that Ms Stoten has considered the replacement building in her overall conclusions on heritage.

15. Planning Balance

Compliance with the Development Plan

- 15.1. The simple test for this Appeal is whether the Appeal Proposal complies with the Development Plan, when read as a whole, and hence that paragraph 11c of the NPPF applies. As the Proposal is in outline, there are two key matters to decide in making a decision on the Appeal Proposal: -
- the principle of the development; and
 - the detail of the main access.
- 15.2. I have given weight to the relevant policies of the Development Plan, noting that as a whole, it is up to date. I have concluded no conflicts with the up to date policy, which is contained in a LPR that anticipates housing growth across the Borough, and a change, on the Appeal Site, which is the main development allocation in Headcorn. The most important policies are as follows:
- SS1: Maidstone Borough Spatial Strategy
 - SP6: Rural Service Centres
 - SP6(C): Headcorn
 - SA310: Land at Moat Road, Headcorn
 - SP10(A): Housing Mix
 - SP10(B): Affordable Housing
 - SP12: Sustainable Transport
 - SP13: Infrastructure Delivery
 - SP14: The Environment
 - P14(A): The Natural Environment
 - SP14(B): The Historic Environment
 - SP14(C): Climate Change
 - SP15: Principles of Good Design
 - HOU5: Density of Residential Development
 - TRA2: Assessing the Transport Impacts of Development
 - INF1: Publicly Accessible Open Space and Recreation
 - ENV1: Development Affecting Heritage Assets
- 15.3. The evidence of Mr Neal confirms that the details of the main access are appropriate, noting that there is no objection from KCC as the County Highways Authority.
- 15.4. Thus, I have outlined that the Appeal Proposal complies with the Development Plan. The principle of the development is plainly consistent with an up to date allocation and should be consented *without delay* (NPPF 11c).
- 15.5. I have also noted that it is my opinion that MBC can no longer demonstrate a five-year housing land supply (see **Appendix 1**) which places further emphasis on optimising development on sustainable sites (consistent

with NPPF paragraph 11).. It is also material that the Appeal Site contributes to the five-year supply, which also justifies substantial weight to the benefits arising from the provision of housing.

Weight to harms / Heritage Balancing Exercise

- 15.6. I recognise that the Appeal Proposal does create change and harm, as is inevitable given the allocation of the Site. There is an acknowledged localised harm to the landscape, when considered as an isolated factor, noting the medium sensitivity concluded by Mr Mylchreest. There is also less than substantial harm to heritage, as concluded by Ms Stoten. Thus, a separate heritage balancing exercise has been undertaken and passed (consistent with NPPF paragraph 215).
- 15.7. I accept that there is a change to existing landscape situation on the Site. It is important in judging harms to distinguish between impacts and harms. An impact need not be harmful, indeed it can be beneficial, noting for example the landscaping proposed. The impact of any harm, should also be judged in context, noting that the local landscape designation ‘washes over’ the whole of Headcorn, and that allowance should be made of the LPR allocation of the Site in the existing Low Weald LLV.
- 15.8. The Officer’s Report outlines unacceptable visual harm to the character and appearance of the rural area. It stated that the Proposal would manifestly alter the innate visual, spatial and physical nature of the land. It refers to permanent change. The Report also alleges harm from external lighting and engineering to form the access onto Moat Road. The same would be true of the allocation for approximately 110 dwellings. This is not a robust analysis, which takes into account the allocation of the site.
- 15.9. Further, I do not accept the Officer’s Report judgement that the Appeal Site should be judged as being the countryside as either fair or relevant. There is nothing in the Development Plan to indicate that the Appeal Site is in the countryside. It is allocated for development and within the built up area boundary. Nor do I accept that openness is the relevant factor, as the land is not in the Green Belt. Overall countryside/ landscape factors, are only relevant, insofar as the Appeal Proposal’s impact on character and appearance in its design / parameters, in the context of its allocation for approximately 110 dwellings. In respect of dwelling numbers, the term “approximately”, should be provided its proper meaning, and my opinion is that the Appeal Proposal for up to 115 dwellings, sits within the definition and intent of policy SA310. Indeed, it forms a key component of the minimum of 330 dwellings sought in Headcorn in the plan period and also reflects MBC’s own 5YHLS trajectory, which includes the Appeal Site.
- 15.10. I acknowledge less than substantial harm to heritage factors, noting the curtilage listed Granary as part of The Moat Listing (and hence in relying on the evidence of Ms Stoten, I disagree with the Officer’s conclusion of substantial heritage harm). This is perhaps an obvious conclusion, when considering the Listed asset . This 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 to the Listed Building is acknowledged, it is to the low end of the scale, and is outweighed by the demonstrable public benefits of the Appeal Proposal as is permitted by paragraph 215 of the NPPF.
- 15.11. I consider that it is clear that notwithstanding the need to have special regard to the desirability of conserving and enhancing a designated asset by giving great weight to any harm to them, the balancing exercise which is to be carried out under paragraph 215 of the NPPF comes down overwhelmingly in favour of the Appeal Proposal, noting that included in the benefits is a replacement Granary building. The limited heritage harm which has been identified would be outweighed by the demonstrable, wide-ranging public benefits of the

Appeal Proposal. The separate heritage balancing act is passed, and hence does not weigh against the Appeal Proposal in the overall planning balance.

15.12. In reviewing the Appeal Proposal generally, it is fair to describe any other harms as limited. For example, no harm is alleged in respect of the loss of Best and Most Versatile (BMV) agricultural land, as the site is not within an agricultural holding, and is not known to be BMV. There are also no harms identified in respect of general environmental matters, for example, flooding / drainage, air quality, noise and ground conditions. The Appeal Proposal is technically robust, as demonstrated in the application documents and absence of any key or statutory consultee objection.

15.13. MBC might also, in evidence, state further harms, which I will reserve my position on the basis of their evidence. Though, I have noted, there is no objection, nor Reason for Refusal on technical matters, or any wider harms.

The Benefits

15.14. To weigh these harms in the balance, against the substantive benefits recognised in my PoE (and others supporting the Appeal Proposal) there are numerous benefits, which contribute to the general Planning Balance. I have outlined these in **Section 14** and I summarised these in **Table 14.1**. I have provided my opinion on the weighting to each benefit. The weighting of these range from limited to substantial.

Planning Balance

15.15. Overall, the Appeal Proposal accords with the Development Plan when read as a whole and should be consented without delay. There are some limited other harms but they are no more than the inevitable impacts of the allocation. There are multiple benefits which further support the consent of the Proposal as material considerations.

15.16. Even if the Inspector is minded to conclude that the Appeal Proposal does not comply with any aspect of the Development Plan when read as a whole, then the weight to the benefits would indicate that planning permission should be granted – notably the need to ensure the timely delivery of housing, as a key component of the LPR. There is now an absence of a five-year housing land supply, and noting that the Appeal Site is included in the supply - year 5 for 40 dwellings, as a material consideration of significant weight, the LPA should sought the deficit urgently. This re-inforces the emphasis on optimising development on sustainable sites (consistent with NPPF paragraph 11).

15.17. The Appeal Proposal is the third appeal on an allocated site in MBC heard in a matter of months. There are noticeable parallels to the case here, as concluded in both the Yalding and Marden appeal decisions. There have been no more recent material considerations which should alter the significant weight provided to these decisions.

15.18. A range of planning conditions and S106 obligations would act to make the Proposal acceptable in planning terms. On this basis, planning permission should be granted and the Inspector is respectfully asked to allow the Appeal.

END



Appendix 1.0

Savills Analysis of MBC Five-Year Housing Land Supply

Housing Land Supply

Table A1 below is based upon MBC's Housing Land Supply Position: 1 April 2024 (**CD 8.29**) which was published alongside the Housing Delivery Report 2024 (**CD 8.30**) in January 2025. It is my opinion that the published five year housing land supply has not considered the relevant buffer required by NPPF paragraph 78. This paragraph states:

Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies³⁸, or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

a) 5% to ensure choice and competition in the market for land; or

b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or

c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

I therefore consider a 5% buffer should be applied, as paragraph 78 a) applies in MBC. Using the Council's housing supply figures, I have added the 5% buffer in **Table A1** below. I have not sought to look in detail at the supply/undersupply included within the MBC calculations. I am simply using their data and incorporating the required 5% buffer.

Proof of Evidence of Charlie Collins MSc MRTPI

Land at Moat Road, Headcorn. Appeal Reference: APP/U2235/W/24/3351435



Table A1: MBC Five Year Housing Supply with 5 % Buffer

Requirement						
	Y1 2024/25	Y2 2025/26	Y3 2026/27	Y4 2027/28	Y5 2028/29	TOTAL
Five year requirement	1,000	1,000	1,000	1,000	1,150	5,150
5% Buffer	50	50	50	50	57.5	257.5
Cumulative over / under supply 01/04/2021 – 31/03/24						-573
Total five year requirement						4,834.5
Supply						
	Y1 2024/25	Y2 2025/26	Y3 2026/27	Y4 2027/28	Y5 2028/29	TOTAL
Allocations	-	-	-	180	723	903
Broad Locations	-	-	40	40	40	120
Garden Communities & Strategic Development Locations	-	-	-	50	135	185
Current permissions	804	1,040	785	554	196	3,379
3% non-implementation discount (on current permissions)	-24	-31	-24	-17	-6	-102
Windfall allowance	-	-	-	112	112	224
Total Land supply						4,709
Housing land supply (in years) [supply / (requirement/5)]						4.87

As demonstrated in **Table A1**, MBC is not able to demonstrate a 5 years supply with the added 5% buffer.



Appendix 2.0

Design Statement of Peter Morgan



DESIGN STATEMENT OF

PETER MORGAN

BA Arch (Hons), Dipl Arch, RIBA

Managing Director

Thrive Architects Ltd

In respect of:

Land at Moat Road,

Maidstone

PINS Ref: APP/U2235/W/24/3351435

LPA Ref: 23/504471/OUT

On behalf of:

Catesby Strategic land Ltd

TA Ref: CATE211030

Version 3.0

Contents

1.00.....	Introduction
2.00.....	Background & scope of evidence
3.00.....	Scope of appointment
4.00.....	Site & Context
5.00.....	Planning Policy
6.00.....	Design Approach
7.00.....	Design Response to Reason for Refusal No.1
8.00.....	Design response to National Design Guide
9.00	Summary
10.00.....	Appendix – Sketch Layout Masterplan (SKMP-01 Rev A5)

1.00 Introduction

- 1.01 My name is Peter David Morgan, and I am Managing Director of Thrive Architects Ltd. Thrive Architects provide urban design and architectural services specialising in the design of residential, retirement care, mixed use communities and urban extensions. Our head office is based in Romsey, Hampshire with regional offices in Portishead (near Bristol) and London. The company has been established for over 40 years originally under the name of Oldfield King, then Tetlow King before rebranding as Thrive in 2014.
- 1.02 My work, and that of the practice, has consistently been recognised for its high-quality approach to design with several awards, including the RIBA, RTPI 'Housing Design Award', the Stratford Upon Avon District Council 'Housing Award' and the Bath and North East Somerset 'Design Quality Award'. The practice received recognition from CABE in the 'National Housing Audit' report (2007), which rated our mixed-use development at Field Farm, Shepton Mallet highest in the Southwest region. The Field Farm development also received the Mendip District Council, Best Multiple Housing Award. Our development at Fairfield Park was awarded the Building for Life - Gold Standard in 2010 in recognition of its planning, design coding and detailed design work.
- 1.03 I have been Managing Director of Thrive (and formerly Tetlow King) since 2004, and prior to this Design Director, having joined the practice in 2002. Overall, I have over 30 years' experience working for private architects' practices. Before joining Thrive, I was an Associate Director for Adam Architecture, an architects practice based in Winchester specialising in traditional and classical architecture.
- 1.04 I am a full member of the Royal Institute of British Architects (RIBA) and registered with the Architects Registration Board (ARB). I have an honours degree in architecture and a postgraduate diploma in architecture from the University of Plymouth.
- 1.05 My work, and that of the practice, specialises predominantly in the residential sector with the design of new housing as part of urban extensions and new mixed-use communities. Our projects range in scale and at the smallest size are around 20 dwellings up to large urban extensions of several thousand dwellings with associated mixed uses.
- 1.06 My experience includes the design of many projects on edge of settlement locations, within open countryside or landscape designated or heritage settings. I am therefore familiar with the constraints of working on challenging and sensitive sites. Some of these projects include:

1. London Road, Albourne – Retirement village on former nursery site on edge of settlement. The site is on the edge of the ANOB and visible from the South Downs National Park.
 2. Barley Mow, St. Albans – redevelopment of scrapyards, equestrian facilities and public house for residential use, all within the Green Belt.
 3. Askett Nursery, Askett - Redevelopment of former nursery site in the Green Belt for residential dwellings.
-

2.00 Background and Scope of Evidence

- 2.01 This statement of design has been prepared on behalf of the appellants, Catesby Strategic Land Ltd, in relation to their outline planning application proposals for the land at Moat Road, Headcorn.

The description of the application being:

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).

- 2.02 The planning application was submitted in the autumn of 2023, registered by the Council on 16th October 2023, and determined by delegated decision on 29th April 2024. Originally, the outline application was for up to 120 dwellings but amended in March 2024 to reduce the quantum to up to 115 dwellings.
- 2.03 The application was originally refused with 6 no. reasons, these reasons were subsequently reviewed due to the recent adoption of the Maidstone Borough Local Plan Review and subsequently updated and reduced to 5 no. reasons under delegated authority as set out in detail in the Council's Statement of Case.

In summary, the reasons for refusal cover the following matters:

1. Landscape and design matters relating to the perceived harm to the character and appearance of the local area.
2. Demolition of the curtilage listed former granary and perceived harm from the loss of a heritage asset.
3. Lack of Community Garden and inadequate semi-natural accessible open space.
4. The need to demonstrate safe pedestrian and cycle access to the A274 via the alterations to Moat Road and also when using the secondary access route to the A274 during flood events.
5. Impact on KCC infrastructure including primary and secondary education due to a lack of an agreed S.106 agreement securing financial contribution.

2.04 Of the 5 no. reasons for refusal, RfR no.1 is most relevant to matters of design and states:

6. “The proposed development would cause unacceptable harm to the character and appearance of the local area, which lies in the Low Weald Landscape of Local Value, due to visual prominence of the development in a semi-rural locality, which has not been adequately considered or respected in the design, layout and form of the development. The indicative sizes and number of dwellings mean that the development is unable to provide lower densities and built form on the western portion of the site to reflect its adjacency to open countryside. The proximity of dwellings to the southern and western boundaries with intervening attenuation basins, results in a lack of sufficient space for landscaping to suitably mitigate and assimilate the development into the area and there are inadequate structural landscape buffers within and across the site from east to west to break up the massing and roofscape. The proposals will therefore result in a form of development inappropriate for the rural edge of Headcorn and be harmful to the local area which is contrary to NPPF paragraph 135 and policies LPRSP14(A) (part 1 B), LPRSP15 (parts 2,6 and 7) and LPRS14 (parts 7 &8) of the Maidstone Borough Local Plan Review 2024”

2.05 In summary the key design related points from RfR no. 1 are:

- i) The perceived harm to the semi-rural edge of settlement character due to the design, layout and form.
- ii) Achieving a lower density western edge to the development with the quantum of development and size of dwellings proposed.
- iii) Providing an appropriate development offset from the southern and western boundaries to allow for landscaping.

2.06 As well as matters of design, RfR no. 1 refers to associated landscape and visual impact, and these matters are considered in the landscape proof of evidence prepared by EDP.

3.00 Scope of Appointment

- 3.01 Thrive Architects was appointed by Catesby Strategic Land Ltd in 2021 to prepare architectural information for an outline planning application on the Moat Road site.
- 3.02 The scope of our brief was to prepare a high-quality design for a residential neighbourhood. The design was to respond to the unique characteristics of the site most notably the sensitive setting of the heritage assets at the Moat, the landscape features particularly trees and hedgerows within and around the periphery of the site, the topography and character of the edge of settlement location.
- 3.03 In terms of my role and involvement in the project as Managing Director, I participate in the overseeing of various projects from inception to completion. For this project I attended the initial site visit and client briefing and several design team meetings. Thereafter, I participated in an on-going role overseeing the design work, prepared predominantly by members of my design team, to ensure the approach and quality of design was of a high standard.
- 3.04 The overall approach to the design as documented in the Design and Access Statement and the subsequent addendum reflects my views and direct input into the overall design process.
-

4.00 The Site

4.01 The site is located to the western edge of Headcorn, covers approximately 7.2Ha/ 17.8 ac, and comprises of fields lying north of Moat Road with disused and dilapidated buildings formerly part of Manor Farm to the southeastern corner of the site.

- i) To the southern boundary lies Moat Road with its tree/hedge boundary, also a collection of derelict outbuilding structures associated with Moat Farm front the road.
- ii) The eastern boundary of the Site lies adjacent to the rear property boundaries fronting Bankfields, Mill Court and Mill Bank.
- iii) To the southwest corner a Substation abuts the site. The rest of the western boundary is treelined.
- iv) To the north the boundary is treelined with a recent development Catkin Gardens located to the north.

Within the site an existing pond is located adjacent the dilapidated farm buildings to the southeast corner. Ponds are also located off site within the northeast and northwest corners of the site.

4.02 Local Context

The Design and Access Statement (DAS) set outs a full analysis of the local context, facilities and amenities, built character and built form on pages 8 -11.

5.0 Planning Policy

This section of my evidence sets out a summary of design related planning policies that have informed the design proposals.

5.01 The site has been allocated under the Local Plan Review policy LPRSA310 for approximately 110 dwellings. Several criteria are set out in the site allocation policy as follows:

- The proposal should be informed by a Landscape and Visual Impact Assessment and Historic Impact Assessment.
- Development should be setback from Moat Road and the Western Boundary as well as being respectful to the adjacent residential properties.
- Density and typologies should be reflecting the site's semi-rural nature.
- Distinct Character Area should be defined.
- Lower densities should be located on the western portion of the site.
- East – West landscaping should be introduced.
- No less than 1.9 Ha of semi/natural open space shall be provided.
- No less than 0.8 Ha of open green amenity space incorporating a children's play area should be provided.

5.02 The reason for refusal no. 1 highlighted several design related planning policies in terms of justification of the decision and these included ***NPPF paragraph 135 and policies LPRSP14(A) (part 1 B), LPRSP15 (parts 2,6 and 7) and LPRS14 (parts 7 & 8) of the Maidstone Borough Local Plan Review 2024***”.

A summary of the relevant parts of each policy is set out as follows:

5.03 LPRSP14(A) – The Environment

(Part 1b) - This part of the policy requires development proposals to protect positive landscape character, and the existing public rights of way network from inappropriate development and avoid significant adverse impacts through the provision of adequate buffers and in accordance with national guidance.

(Part 7) -This section of the policy requires any open space to be designed as part of the overall green and blue infrastructure to create multi-functional open spaces for wildlife, play, recreation, sustainable drainage, tree and landscape planting.

(Part 8) - Under part 8 of the policy, development proposals need to give priority to the protection of designated sites for biodiversity.

5.04 LPRS15 – Design (Parts 2,6 & 7)

(Part 2) - This part of the policy requires proposals to respond positively to the local, natural or historic character of the area, with particular regard to scale, materials, detailing, bulk, articulation and site coverage.

(Part 6) – This part requires development to respect the topography and respond sensitively to incorporate the site natural features to help assimilate development in its local landscape character.

(Part 7) – Requirement to provide a high-quality design that that responds to areas of heritage, townscape and landscape value, or uplifts an area of poor environmental quality.

5.05 National Planning Policy Framework (NPPF revised 2024)

The National Planning Policy Framework (NPPF) was originally published in March 2012 and replaced existing national planning policy guidance in PPGs and PPSs. The NPPF was recently updated in December 2024. At the heart of the NPPF is the presumption in favour of sustainable development, which is set out under paragraph 11 that states:

“For decision- taking this means:

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
 - i) *The application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing development proposed, or*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework*

taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

The NPPF is therefore a material consideration in the determination of this application.

5.06 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development, whilst paragraph 8 goes on to identify three dimensions to sustainable development: economic, social and environmental.

5.07 Section 12 of the NPPF paragraphs 131 – 139 relates to ‘achieving well-designed places. The main thrust being the importance of good design within the built environment and how this should contribute positively to making places better for people. Paragraph 127 requires planning authorities to develop policies and make decisions that aim to ensure developments:

- *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- *Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- *Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
- *Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and*
- *Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder and the fear of crime, do not undermine the quality of or community cohesion and resilience.*

5.08 Section 11 of the NPPF relates to making effective use of land to meet the need for new homes and other uses. Para.129. states that planning policies and decisions should support development that makes efficient use of land taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

5.09 **National Design Guide**

The National Design Guide (2019) further amplifies and expands on the design policies of the NPPF, it sets out the characteristics of well-designed places and what good design means in practice. The guide defines ten principles to be considered in the design of successful places:

- 1. Context**
- 2. Identity**
- 3. Built Form**
- 4. Movement**
- 5. Nature**
- 6. Public Spaces**
- 7. Uses**
- 8. Homes & Building**
- 9. Resources**
- 10. Lifespan**

In particular, the first three sections of the National Design Guide that relate to context, identity and built form are most relevant to reason for refusal no.1.

5.10 **Kent Design Guide**

The Kent Design Guide aims to assist designers achieve high standards of design and construction. The guidance is set out in several key steps which in summary cover:

Step 1 - Understanding the Site.

Step 2 - Generating the Layout

Step 3 - Designing for Movement

Step 4 - Getting the Detailing Right

6.00 Design Approach

6.01 This section sets out a summary of the design approach which has informed the Framework Plan and design parameters. The design approach is fully documented in the Design and Access Statement and the subsequent addendum document that accompanied the application.

6.02 A full range of technical assessments and analysis was undertaken to understand the environmental and engineering features of the site, (these can be found in the stand-alone reports accompanying the application). The design approach has been informed by an analysis of the site and surroundings, the site constraints and opportunities derived from these detailed technical assessments. A summary of the key stages of the design approach are outlined as follows:

6.03 Landscape Led Approach

The design approach for the site has been carefully informed by advice on landscape and visual matters. A number of specific measures (outlined below) have been incorporated into the design to ensure that the development is responsive to the site and its contextual locations, and to support the creation of a new community park and well-integrated settlement edge.

6.04 Landscape Design Response

i) Landscape Buffers

- Built development set back from Moat Road and the western boundary to provide “green gateway” into Headcorn, respect setting of listed building, The Moat and allow for SUDS basins.
- 10 m landscape buffer and corridor along the eastern edge of the site to provide opportunity to visually soften the intervisibility between the existing and new properties.

ii) Landscape Features

- Retention of existing boundary trees and hedgerows and provision of new landscape planting to enhance the character and quality of the development and the wider area, as well as enhancing ecology and biodiversity.
- Retain existing pond to the southeast corner and north-west.
- Keep existing notable trees within the site.

iii) Landscape Structure

- The landscape framework provides a series of north to south and east to west landscape corridors to help visually soften and break up the development area. These corridors provide opportunities for tree planting to visually soften the roofscape of the housing on the rising ground. (The provision of east to west landscaping being a requirement of the site allocation).



Fig. 1 – North to South layering of landscape to visually soften the roofscape.



Fig. 2 - East to West layering of landscape to visually soften the roofscape.

iv) Multi-functional Green Infrastructure

- Around 3.29 ha of the site (44%) is proposed for the provision of multi-functional green infrastructure (GI) areas. The GI area included a range of open space typologies comprising public open space, recreation and children's play. The precise breakdown of the open space typologies is set out under the DAS pg. 20.

v) Ecology

- Retain existing hedgerows and tree habitats.
- Providing linked up green corridors throughout the development to promote wildlife movement.
- New planting to boundaries and within open spaces to promote enhanced biodiversity.
- Areas of open space and landscape corridors appropriately sized to achieve opportunities to promote biodiversity.

- New areas of woodland to provide landscape structure and biodiversity interest are proposed along the western boundary adjacent to the existing hedge.
- Drainage features providing visual and biodiversity interest to be provided in the southern part of both the northern and southern field parcels.

6.05 Access

6.06 A site access strategy was agreed with Kent County Council. Vehicular and pedestrian/ cycleway access to the Site being via a primary access onto Moat Road with a new simple priority T junction to the southwest corner of the site.

6.07 Design Response

- Provide primary site access from Moat Road running north and contained within the least visible central core of the development.
- Informal character to primary street with varied alignment and wide tree lined verge to the northern section to provide layering of landscape to soften the roofscape.
- Emergency access and pedestrian link to the north to join Mill Bank.
- Existing public right of way retained.
- Hierarchy of streets to form a transition to informal narrow width private drives and lanes to the western edge. This approach visually softens the informal edge with minimal need for adopted street lighting.
- Widen the carriageway east of the bridge to provide a footway link within the highway curtilage.

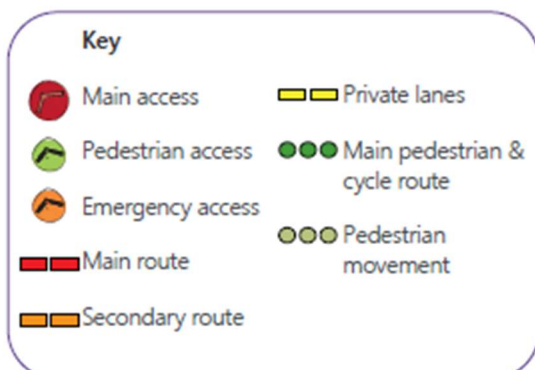


Fig.3 Movement Plan – showing hierarchy of streets.

6.08 Flood Risk and Drainage

6.09 The extreme south and southeast of the site are located in Flood Zones 2 and 3 associated with the River Beult and Hoggs Stream. The development area of the site has therefore been limited to the area of the site located in Flood Zone 1, the lowest probability of fluvial flooding.

6.10 The topography of the site falls from north to south and the low points of the site have been utilised to locate sustainable drainage features (along the south-east and eastern boundary).

6.11 Design Response

- Keep development away from Flood zones 2 and 3.
- Provide SUDS basins within the low lying southern and eastern parts of the site.
- Maintain a surface water flow route within open spaces but within a more controlled and designed solution.

6.12 Heritage

6.13 The Moat a grade II listed house lies to the south-east of the site. This is a former farmhouse which is thought to date from the early or mid-16th century. There is a range of derelict farm outbuildings and structures to the southeast that have been assessed to have minimal historic significance.

6.14 An underground Royal Observing monitoring Post (ROC) is recorded in the northeast area of the site.

6.15 Design Response

- Respecting setting of the listed building by providing a wide landscape corridor along the Moat Road frontage with building setback varying in width from 37m and increasing to 69m to the southeast adjacent to The Moat.
- Remove the derelict structures and farm outbuildings fronting onto Moat Road to provide an improved approach into Headcorn.
- Provide small timber frame shelter in location of existing curtilage to listed building.
- Retention of ROC (Royal Observer Corps monitoring Post) structure located underground below proposed highway and landscaped areas.
- Retain view corridor to the church tower from the existing PROW.



Fig.4 Section B-B (pg. 33 of DAS) showing building set back from Moat Road and landscape corridor to southeast area of the site.



Fig. 5. Derelict outbuildings and structures to be removed to enhance the Moat Road approach into Headcorn.

6.16 Technical Constraints

6.17 A primary electric substation is located to the southeast adjacent to the site and accessed off Moat Road. A high voltage cable runs below ground from the northeast bisecting the site and connecting to the sub- station.

6.18 Design Response

- Provide 40m buildings buffer to the substation.
- Development set back to avoid rerouting HV and retained in open space.

6.19 Density

The Maidstone Local Plan Review policy LPRHOU5 refers to “**Density of residential Development**” and states:

“Development proposals that fail to make efficient use of land for housing, having regard to the location of the area, will be refused permission.”

The policy goes on to describe that minimum densities are expected in certain locations with sub point 5 of the policy requiring:

“At sites within or adjacent to the Rural Service Centres, Larger and Smaller Villages as defined under policies LPRSP1 to LPRSP8 new residential development will be expected to achieve a net density of 30 dwellings per hectare where that is compatible with the individual setting of those sites.”

6.20 Headcorn is defined as a Rural Service Centre under policy LPRSP6(c) and therefore meets the criteria of point 5, of the policy and consequentially the criteria to achieve a net density of 30 dwellings per hectare.

6.21 The proposed appeal scheme density is an average of 31.1dph (net). The density has resulted from an approach to determine an appropriate design response to the site and its context, landscape setting, the site constraints and opportunities. Additional, factors such as delivering a policy compliant amount of affordable housing (40%) and meeting the local housing need, which is weighted towards smaller dwellings, (particularly for the affordable) have also been taken into account in deriving an appropriate density and making effective use of land.

6.22 While the original application was submitted for up to 120 dwellings, this was subsequently reduced to 115 during the application to respond to consultation comments.

6.23 The site allocation under policy LPRS310 is for approximately 110 dwellings and was a result of submissions and comments to the Reg 18 and SHLAA submissions made since 2020 (originally for 150 dwellings).

6.24 Design Response

- Development area derived from landscape and heritage led approach to create appropriate setbacks and buffers and a layering of the landscape on the rising ground.
- Creation of an appropriate gradation in density across the site that provides a transition to lower densities to the western edge. The western edge comprising

low density larger detached dwellings. (Please refer to Fig.14, pg.34 of my evidence for Density Gradient Plan)

- The density is concentrated in a medium density core within the central area of the scheme around the primary main street.
- The density provides an efficient use of land delivering an average of 31.1 dph (net) with the density varying between 21 dph and 33.8 dph.

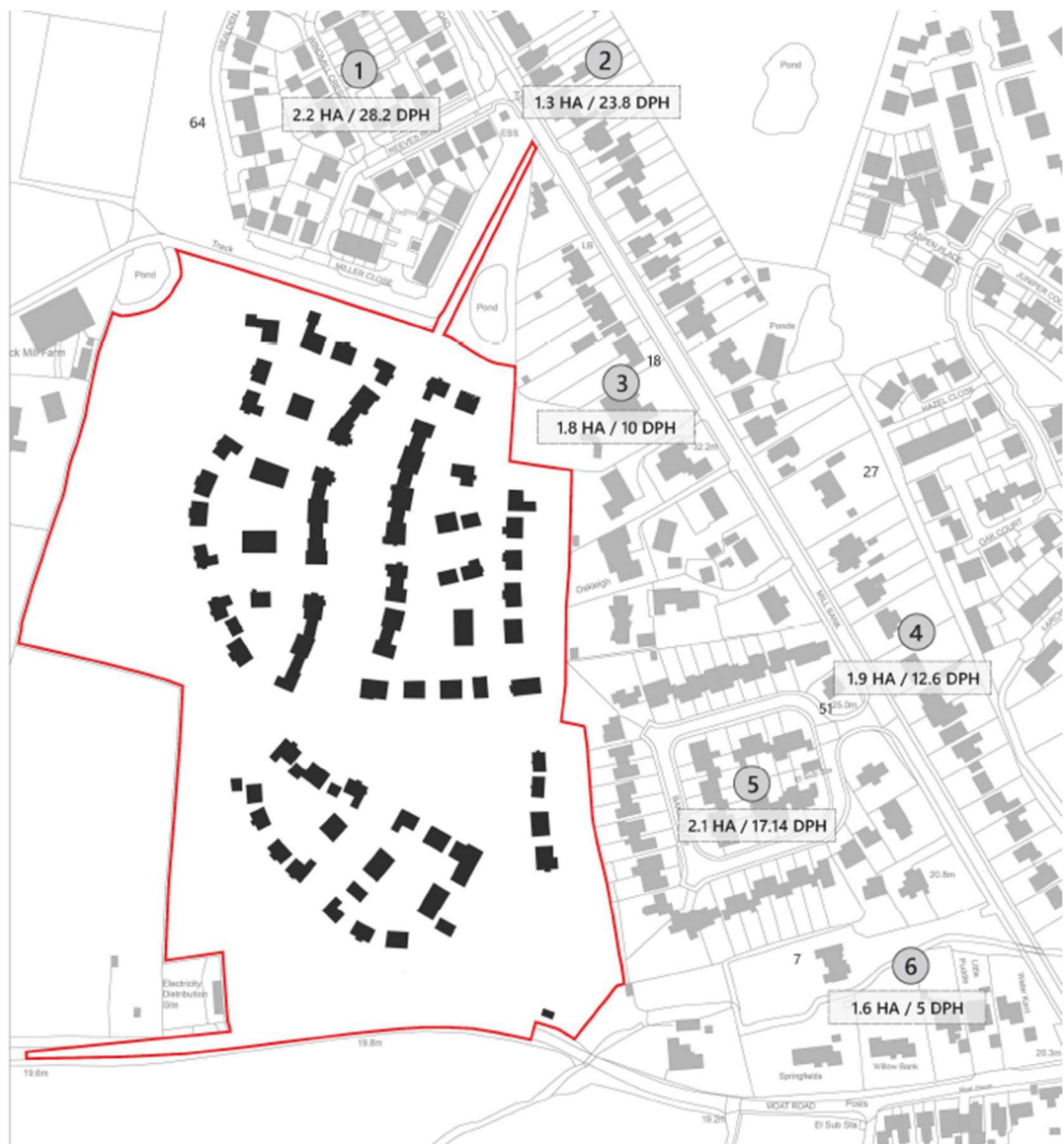


Fig.6 – Figure Ground Plan showing transition to lower density to western edge.

6.25 Scale

Based on the built and landscape context, local character and proposed use, the application masterplan indicates one maximum building height zone. The majority of the site can support up to two storey dwellings, this directly reflects the dominance of two storey dwellings in the local area.

6.26 Design response

- It is expected that within the two-storey zone, some single storey or chalet bungalow style properties would be appropriate. The Illustrative design proposes a reduced scale with bungalows /chalet bungalows on the higher ground to the western edge to minimise any impact of the roofscape.

6.27 Character and Appearance

Although detailed elevational treatment is not proposed as part of the outline application, indicative character areas are shown in the DAS (pg.34), and have been evolved to inform an appropriate design response and transition in character across the site to the semi-rural western edge and landscape.

6.28 Design Response Western Edge

- Lower density edge providing a transition to the rural landscape.
- 1 to 2 storey dwellings with reduced scale on higher ground
- Predominantly detached dwellings, with opportunities for bungalows and chalet bungalows to enhance the transition between the development and wider landscape to the west.
- Informal frontage treatments, including post cleft and rail fencing and hedgerows appropriate to a semi-rural transition.
- Low level lighting to avoid light spill into landscape.
- Range of vernacular materials proposed including red/orange brick, tile hanging, red and brown plain tile which will help assimilate the development into the landscape.

Street Scene D



Fig.7 – Western Edge illustrative street scene (pg. 38 of DAS), showing low density edge treatment with varied and reduced scale of buildings, vernacular use of materials.

6.29 Design Response to Settlement Edge

- Lower density development to settlement edges forming transition to neighbouring housing.
- 2 storey development
- 10m landscape and ecology buffer to eastern boundary to visually soften intervisibility between new and existing properties.
- Dwellings predominantly orientated to back onto neighbouring boundaries to east.

Street Scene A

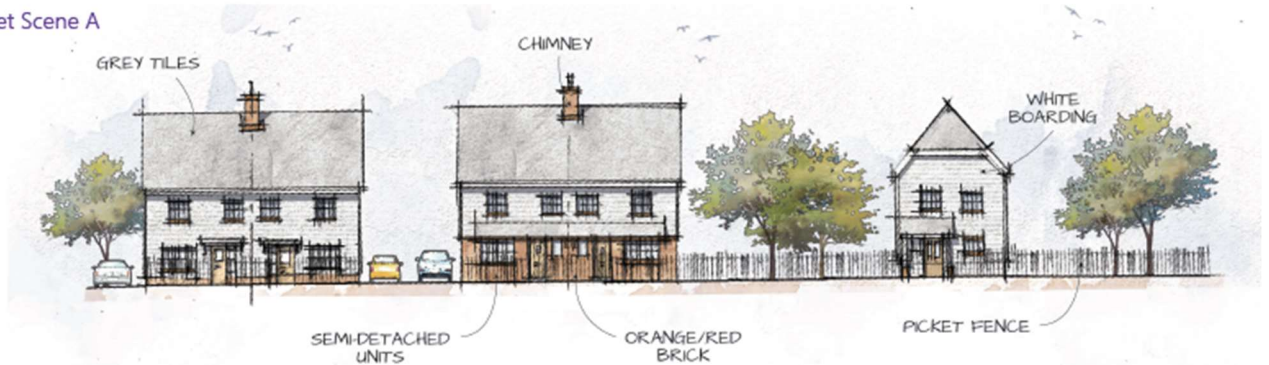


Fig 8. – Illustrative street scene to settlement edge (Section C-C)

6.30 Design Response to Main Street and Central Green and Core Character Areas

- Density concentrated in the central area of the site forming a transition from the lower density western edge and neighbouring settlement edges.

- Medium density development including semi-detached, terraced dwellings and 2 storey apartments. Linked frontages with car ports to form a higher level of built frontage continuity.
- Transition in density to Central Green frontages with lower density detached dwellings.
- Wide tree lined verge to northern part of the Main Street provides layering of landscape within the development and opportunity to visually break up the roofscape.
- Predominantly 2 storeys.
- Transition in street hierarchy from Main (primary) Street to secondary streets in the Core character areas and privates drives and lanes to the Central Green frontages.

Street Scene C



Fig.9 – Illustrative street elevation for Main Street Frontage

6.31 Design Evolution

6.32 The design approach outlined has evolved in consultation with the officers of Maidstone Borough Council since the original Reg 18 and SHLAA submissions back in 2020. During this period, several iterations of the layout have been prepared and comments from officers and from public consultation have been incorporated into the design. The council were therefore fully aware, prior to formally allocating the site, the likely form of the layout and were in a position to make a proper assessment of the landscape impacts, the proposed density and resultant character.

A full summary of the design evolution is set out in the DAS (pgs.16-17) and summarised as follows:

December 2020 – Design and technical Responses to Reg18 and SHLAA – proposed scheme 150 dwellings.

In December 2020 Maidstone Borough Council (MBC) had reached their Regulation 18b (Preferred Approach) stage in the preparation of the Local Plan Review process. At this time, they requested additional evidence to support the draft allocation of sites within the plan. As such, the site layout below plan was prepared alongside other technical evidence and submitted to the Council.



Fig. 10 – 2020 illustrative layout for 150 dwellings submitted for Reg 18 and SHLAA papers.

6.33 February 2021 – Design Response to Reg18 and SHLAA submission

In February 2021, MBC Officers provided comments on the December 2020 submission. Their main comments related to the need for an increase in the landscape buffer to the west, an increase in the depth of landscape planting and a

related reduction in the number of proposed dwellings. Officers also asked for further clarification on design characteristics, seeking distinct variation between the western development edge and the rest of the development area.

In response, the above plan was prepared which provided a significantly wider western landscape buffer and decreased the number of dwellings from 150 to 130. The illustration also added in additional landscape features within the streets.



Fig. 11 - 2021 illustrative layout responding to officers' comments on SHLAA submission.

6.34 **October 2022 – Public Engagement**

In October 2022, a public engagement website was launched and the public notified. At this time the proposals confirmed that a future application would be for up to 120 dwellings in response to the Council's Draft Local Plan Site Allocation Policy for the Site.

Particular comments relevant to the design approach related to the site's eastern boundary where residents requested an increase in the separation distance between any future dwellings on the site and the Mill Bank and Bankfields properties.



Fig.12 – 2022 Public Consultation illustrative layout for 120 dwellings.

6.35 **November 2022** – withdrawn Application Illustrative Masterplan

In direct response to the adjacent residents of Mill Bank and Bankfields properties, the application framework masterplan (DAS, pg. 7) and the illustrative masterplan (over the page) have been adjusted to incorporate a 10m landscape and ecology corridor along the eastern boundary. The 10m corridor also supports the retention of existing trees located immediately along the shared site boundary.



Fig.13 – 2022 Withdrawn Application illustrative layout for 120 dwellings and incorporating eastern landscape buffer.

7.0 Design Response to Reason for Refusal No.1

7.01 This section responds to the key design related issues highlighted in RfR no. 1 which in can be summarised as three key points:

1. ***Perceived harm to edge of settlement character due to the design, layout and form of the development.***
2. ***The indicative sizes and number of dwellings mean that the development is unable to provide lower densities and built form on the western portion of the site to reflect its adjacency to open countryside.***
3. ***The proximity of dwellings to the southern and western boundaries with intervening attenuation basins, results in a lack of sufficient space for landscaping to suitably mitigate and assimilate the development into the area.***

7.02 In terms of each of these points I have set out my response to the matters of design as follows:

Perceived harm to edge of settlement character due to the design, layout and form of the development.

7.03 Contrary to the reasons set out in RfR no.1, the design proposals have been carefully considered to provide a well-considered design response to the site, derived from a robust analysis of the site, the various technical assessments (including landscape and heritage) and local character. The design approach is documented in full in the DAS, and also in my evidence Section 6 which draws out the key design principles.

7.04 There are several points to note in response to this matter in RfR no.1:

- i) The application is submitted in outline with all matters reserved apart from access. The appeal application seeks approval for the design parameters set out in the Framework Plan (including land use, landscape, scale and access only) the overall quantum of development proposed is based upon an illustrative design, and while this is considered to be a robust design approach, there would still be scope to refine the final design at Reserved Matters stage

in consultation with MBC. Matters of scale, appearance and landscape are all reserved matters for future consideration.

- ii) The scale parameters are for **up to** 2 storey and therefore the scale may be less than this upper limit, either as bungalows or chalet bungalows. The DAS and DAS addendum propose that the use of chalet bungalows and bungalows would be suitable in areas of rising ground, and in particular on the western edge of the development to reduce the roof height on the higher parts of the site. As scale is a reserved matter to be determined, there remains flexibility to evolve the final design approach in consultation with MBC.
- iii) As explained under para 6.03 iii) of my statement, the landscape framework provides a series of north to south and east to west landscape corridors to help visually soften and break up the development area. These corridors provide opportunities for tree planting to visually soften the roofscape of the housing on the rising ground.
- iv) The Design Approach section of my statement (para 6.23) demonstrates that careful consideration has been given to achieving an appropriate density gradient across the site to form a sensitive transition to the western rural landscape edge. In summary the key points of the design include:
 - i) Development area derived from landscape and heritage led approach to create appropriate setbacks and buffers and a layering of the landscape on the rising ground.
 - ii) Creation of an appropriate gradation in density across the site that provides a transition to lower densities to the western edge. The western edge comprising low density larger detached dwellings.
 - iii) The density is concentrated in a medium density core within the central area of the scheme.
 - iv) The density provides an efficient use of land delivering an average of 31.1 dph, based upon the net site area. (and ranges from 21dph to 33.8 dph.)
- v) The Design Approach summary (Section 6) of my evidence demonstrates the careful consideration that has been given to the western settlement edge of the development in order to create an appropriate transition to the rural landscape. In summary this includes:
 - Lower density housing to the settlement edge providing a transition to the rural landscape.

- 1 to 2 storey dwellings with reduced scale on higher ground
 - Predominantly detached dwellings, with opportunities for bungalows and chalet bungalows to enhance the transition between the development and wider landscape to the west.
 - Informal frontage treatments, post cleft and rail fencing and hedgerows appropriate to a semi-rural transition.
 - Low level lighting to avoid light spill into landscape.
 - Range of vernacular materials proposed including red/orange brick, tile hanging, red and brown plain tile which will help assimilate the development into the landscape.
- vi) Notwithstanding the above points, the design proposals should be considered to be an improved transition to the rural landscape when compared to the existing dwellings in Bankfields that currently back onto the eastern boundary of the site. (see EDP evidence, image 3.8) The existing dwellings in Bankfields have a high degree of continuity of built frontage with little separation between plots and limited opportunity for landscape relief to visually soften the roofscape, resulting in the properties being visible from Moat Road and to a lesser extent Black Mill Lane to the west. The introduction of the proposed 10m landscape corridor along the boundary with these existing properties will be a benefit, not only in terms of reducing intervisibility between the proposed development and existing dwellings, but also in providing a more robust layered landscape framework with opportunities to visually soften the roofscape of these properties.

7.05 In terms of the second point my evidence is as follows:

The indicative sizes and number of dwellings mean that the development is unable to provide lower densities and built form on the western portion of the site to reflect its adjacency to open countryside.

7.06 Contrary to LPA comments in RfR no.1, the illustrated layout does in fact provide a lower density western edge with the quantum of development proposed and provides a transition in character sensitive to the rural landscape. (Please refer to the Density Plan set out under Fig.14, pg.34)

7.07 There are several points to note in response to this matter in RfR no.1:

- i) The site has been allocated under policy LPRSA310 for approximately 110 dwellings, which is approximately the same quantum of development as the appeal proposals at 115 dwellings.
- ii) In allocating the site for 110 dwellings the LPA would have considered the appropriate quantum of development, as they have actively engaged with the applicant in ongoing submissions and comments to the Reg 18 and SHLAA papers since 2020.
- iii) The original Reg 18 SHLAA submission was accompanied by a site layout for 150 dwellings, and following officer's comments the scheme was reduced to around 120 dwellings, and then re-submitted in response to comments from MBC in February 2021. The council were therefore fully aware of the proposed layout and likely form of the development at the time of allocating the site, and therefore it would be reasonable to assume that officers were broadly satisfied, at that stage, that the approximate quantum of development proposed could be accommodated sensitively on the site.
- iv) Contrary, to the wording in RfR no.1, the illustrative layout has been designed to allow a gradient of densities across the site, with a lower density western rural edge to create a high quality appropriate transition to the rural landscape. The density plan, (over the page), demonstrates that the density is 33.8dph for the central area (Main Street and Core character areas) and reducing further to 21dph on the western rural development edge. In comparison the recent housing development to the north of the appeal site averages 28 dph.

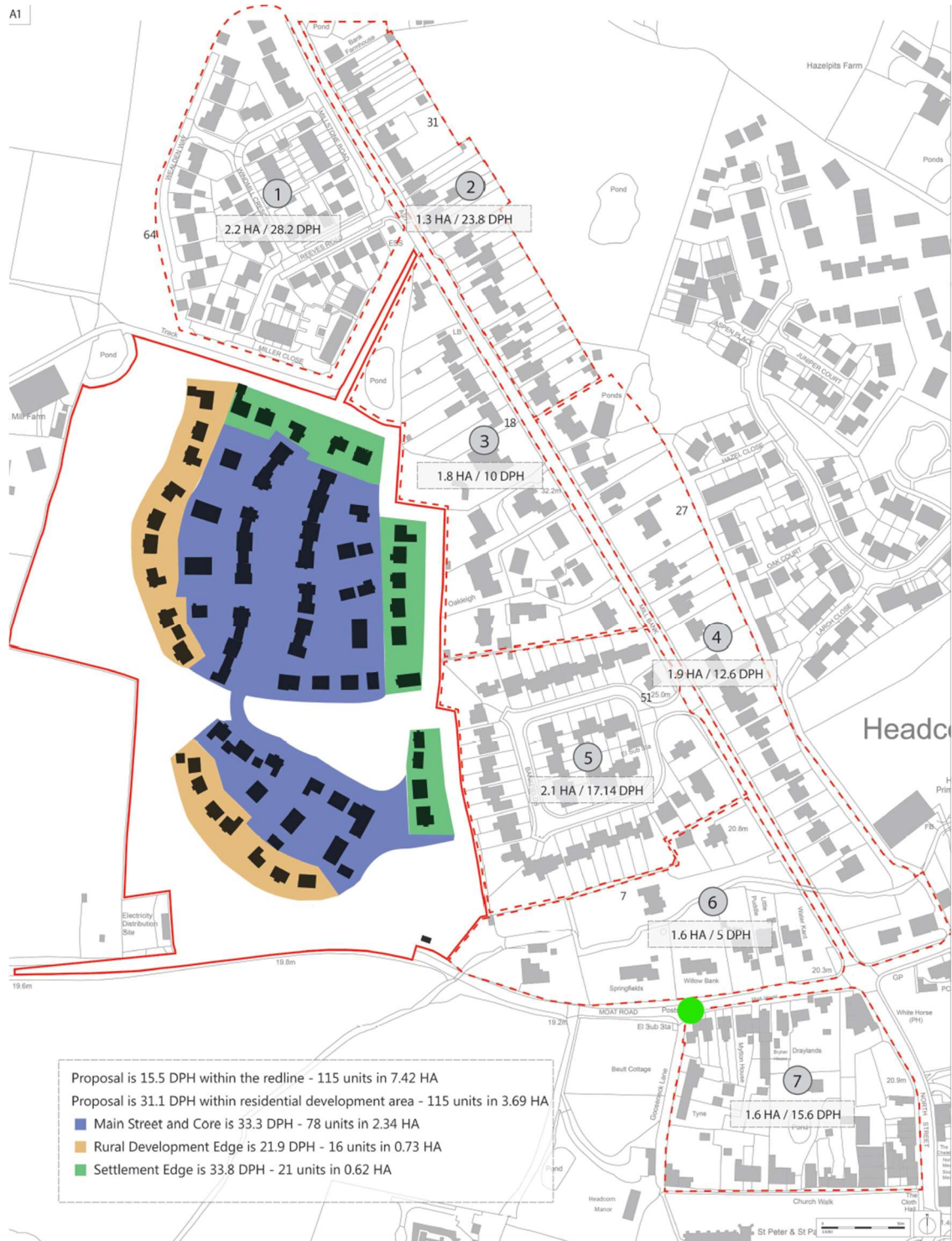


Fig.14. Density Plan showing density gradient, with lower density to the western boundary.

- v) Policy LPRHOU5 of the Local Plan Review sets out a requirement for new development to make effective use of land, and in local service centre's such as Headcorn achieve a minimum of 30 dph for new development, subject to a sensitive approach to the surrounding character. This approach is entirely consistent with the proposed appeal scheme which provides an average density of 31.1 dph based upon a net area.

7.07 As the appeal proposals are submitted in outline, (with all matters reserved except for access), there remains scope at reserved matters stage to evolve the design proposals further, working in collaboration with MBC. Should there be a need to loosen the western edge of the development further this may be achieved in a number of ways without comprising the design parameters fixed at outline stage:

- i) **Size of Dwellings** - The size of the dwellings can be refined at reserved matters stage to alter the perceived intensity of development and site coverage of the layout. The examples below illustrate this point, with the smaller 4 bed having a plot area (red dashed line) of 303 sq. m and the mid-sized 4 bed having a plot area of 471 sq. m, the larger 4 bed taking around 55% more land.

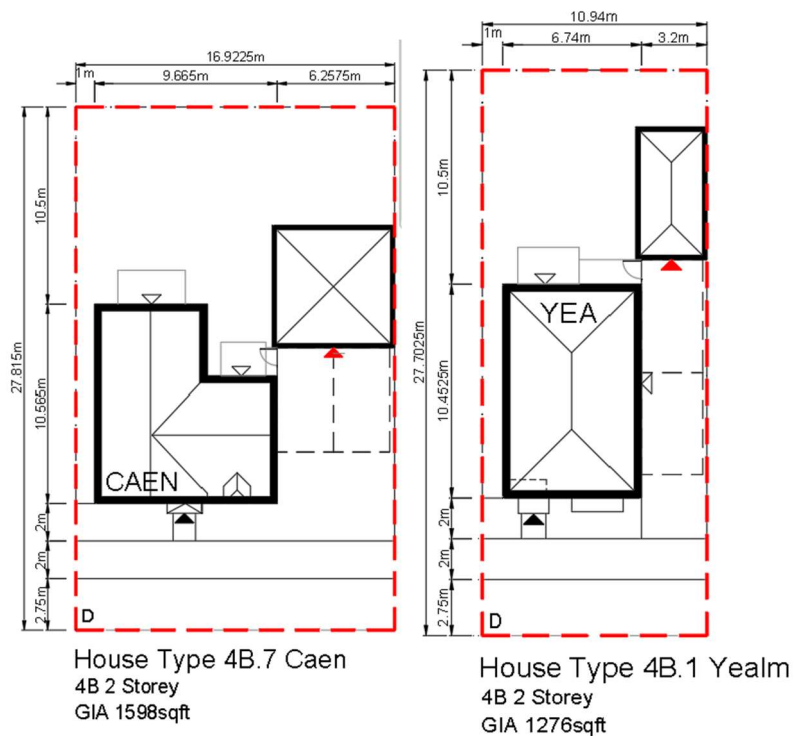


Fig.15 – Plot Area Comparison for alternative 4 bed dwellings.

- ii) **Occupancy** – By varying the occupancy of a dwelling, and consequentially the size, this will vary the perceived intensity of development and form of the layout. An example to illustrate this point, would be a two-bedroom dwelling with a 4-person occupancy would need to achieve a floor area of 79 sq. m to comply with National Described Space Standards (NDSS). Alternatively, if this dwelling was provided as a maisonette or a flat, then its size to comply with NDSS would reduce to 70 sq. m ,for a 4-person occupancy, a reduction in built footprint of 12%.

A further example is for a smaller two-bedroom dwelling with a three-person occupancy, this needs to achieve a smaller 70 sq. m floor area to comply with NDSS or as a maisonette / flat only 61 sq. m.

Therefore, a two-bedroom dwelling could have a considerable variation in floor area depending on its occupancy and depending on whether it is a house or a maisonette / flat, resulting in a range from 61sq.m to 79 sq. m,

So, in summary the building footprint can be varied to an extent at reserved matters stage by the designer, by flexing of the occupancy of the dwelling, and/or its typology, to alter it from a house to maisonette/flat. This design approach will have a corresponding effect on the visual massing and perceived intensity of the development, and can all be controlled at reserved matters stage without altering the outline design parameters.

- iii) **Quantum** – The application description proposes a quantum of development of up to 115 dwellings, and the illustrative layout indicates one option for how this quantum of development can be accommodated successfully. Notwithstanding the points outlined above, that allow the designer flexibility at reserved matters stage to vary the intensity of the development, there is also scope ,if needed, to adjust the quantum of development for a slightly lesser amount. While I am confident the current outline proposals do provide a successful and robust design, this is a further option open to the designer if required at reserved matters stage.

7.08 In terms of the third point my evidence is as follows:

The proximity of dwellings to the southern and western boundaries with intervening attenuation basins, results in a lack of sufficient space for landscaping to suitably mitigate and assimilate the development into the area.

- i) The dimension for the western landscape buffer is significant, being 64m at the widest point to the northern section, and narrowing to 22m for a small section further south. To the southern area of the western buffer, this is 59m in its widest area reducing to 25m for a small section to the north. (please refer to the dimensions on the **Sketch Layout Masterplan -01** set out in the appendix of my evidence).
- ii) The width of the western landscape buffer was subject to comment from MBC officers during the Reg 18 SHLA submission papers. In February 2021, MBC Officers provided comments on the December 2020 submission (refer to para 6.31 Fig.10 of my evidence for layout). Their main comments related to the need for an increase in the landscape buffer to the west, and an increase in the depth of landscape planting. In response, a revised layout plan was submitted to provide a significantly wider western landscape buffer, (as per the above dimensions), and decreased the number of dwellings from 150 to 130. The revised layout also added in additional landscape features within the streets.



Fig.11 - 2021 illustrative layout responding to officers' comments on SHLAA submission to increase western buffer.

- iii) The dimensions for the southern landscape buffer along Moat Road vary in width between, 28m and 66m, increasing in width closer to The Moat heritage asset.
 - iv) The width of both the southern and western landscape buffers is variable with the buffers being widest adjacent to the heritage asset, The Moat, and for the western buffer on the higher ground. This design approach was informed by the heritage and landscape consultant advice.
 - v) The landscape buffers to the west and the south are adequately sized to provide a multi-functional green and blue infrastructure, providing Suds attenuation, informal and natural/ semi-natural green space, a network of pedestrian routes, habitat areas and opportunity for new trees and enhanced boundary planting (EDP's evidence further amplifies how sufficient landscape can be achieved in these areas to assimilate the development, please refer to the photomontage views A-B).
-

8.0 Achieving High Quality Design

8.01 This section of my evidence sets out a summary of how the development meets the key objectives of the **National Design Guide (NDG)**.



The ten characteristics of well-designed places

8.02 The NDG describes ten design characteristics which work together to help create well designed places. The summary below demonstrates how these characteristics are addressed within the appeal design proposals:

1. Context

The design has responded positively to the context in a number of ways that mean the proposals are a tailored to the sites constraints and opportunities and local character. Key points that have influenced the design as a contextual response include:

- Transition in density from the east to the western rural edge

- Landscape buffer to heritage asset, The Moat
- Landscape buffer to western edge of development to provide rural transition.
- Reduced scale of dwellings on rising ground.
- Retention of key landscape features.
- Density that is sensitive to the surrounding context while making efficient use of land.

2. Identity

The design has evolved from a robust assessment of the site features and local character which have informed the design approach as summarised as follows:

- Landscape led approach that retains key features and creates multi-functional green infrastructure.
- The DAS (pgs. 10-11) sets out the analysis of local context which has informed the proposed materials palette and elevational detailing. Features, such as the white weatherboarding proposed to the elevations draw on the local vernacular.
- Traditional building forms, roofscape informed by local character.
- Materials palette proposed informed by local vernacular.
- Lower density western edge to provide transition to rural landscape.
- Legible development framework with hierarchy of streets and spaces.
- Distinctive character areas (pg.34 of DAS) reinforce legibility and identity.

3. Built Form

While the scale and appearance and layout are subject to future reserved matters submissions, the illustrative proposals demonstrate that:

- The layout provides a mix of house types to create cleared defined streets and spaces that are legible.
- Opportunities for key feature buildings (pg. 29 of DAS)
- Variation in continuity of built frontage to create well defined and interesting street character.
- The layout is structured around a perimeter block form that provides a compact form of development and walkable place.
- A series of green spaces that provide interest and form a focal point for the community.

4. Movement

- The street hierarchy for the layout is clear and functional, providing a hierarchy of streets and legible environment with transition in character to the rural edge.
- Cycle provision is provided for each dwelling with storage in either dedicated bike sheds or communal stores for the flats.
- Parking is either on plot or in dedicated convenient courtyard spaces, for the flats, and well overlooked and close to the properties.
- Utilities are integrated into the scheme, including refuse collection.

5. Nature

The proposals provide natural and designed landscapes, high quality open spaces, street trees, SUDs water management and planting to enhance biodiversity. Key features include:

- Significant landscape spaces to the south and western boundaries providing multi-functional green infrastructure.
- Integration of a range of functions into the green infrastructure including, play SUDs basins and swales, habitat planting, footpaths.
- Retention of significant trees and hedgerows and reinforcement of boundaries for landscape visual and habitat reasons.
- Tree lined primary street (Main Street)
- Planting to encourage habitat creation and enhanced biodiversity.

6. Public Spaces

A range of public spaces are provided that help promote social interaction and are open to all, these include:

- The western linear parkland that forms a transition to the rural edge and provides SUDs, opportunities for biodiversity and mixed planting and for pedestrian movement and recreation.
- East to west green corridor formed around the retained hedgerow and positively fronted and overlooked by housing both sides.
- The main street which provides a wide tree lined linear green corridor (to northern section of the layout)
- Southern linear green corridor that provides SUDs and a parkland setting connecting to the western open space.

7. Uses

The proposals are socially inclusive providing mixed private and affordable tenures, which are designed to be tenure blind. A mix of dwelling sizes, ranging from one to four-bedroom houses, will help create a mix of occupants to create a balanced and diverse community.

8. Homes & Buildings

- The dwellings have been designed to provide a safe and secure environment with well-overlooked streets and spaces with active frontages.
- Each dwelling has been designed to have good levels of natural light, its own private amenity space, either in the form of a garden or private balcony. Within each dwelling appropriate storage is provided.
- Waste recycling and refuse collection has been integrated into the layout design.

9. Resources

The Design & Access Statement sets out the response to Climate & Sustainability strategy, (pg. 39 of DAS), and commits to meeting the requirements of the Maidstone Borough Council, Biodiversity and Climate Change Action Plan, leading closer to carbon neutral by 2030. The climate change strategy covers a wide range of matters, such as energy and water efficient dwellings, responsible sourcing of sustainable materials, site waste management, recycling and biodiversity enhancements.

10. Lifespan

The proposals have been designed to create an attractive environment which will encourage a sense of ownership. This approach combined with a long-term stewardship strategy will create a place that is cared for and is made to last, with key points as follows:

- Areas of public realm will either be adopted or placed in a management company to secure their long-term stewardship.
- The landscape buffers and open spaces will be placed under residents' management company to ensure continued and regular maintenance.
- Public and private realm is clearly defined and overlooked utilising a perimeter block structure to the layout.
- Affordable housing will be subject to management under a registered housing provider.

- The dwellings have the potential for adaption to suit changing lifestyles and ageing in place, with their generous levels of accommodation which meet or exceed the National Space Standards.

In summary, it should be noted that several of the criteria for achieving a well-designed place under The National Design Guide can only be fully determined and assessed once the reserved matters designs have been prepared for layout, scale, appearance and landscaping.

9.0 Summary

9.01 My assessment demonstrates that the appeal proposals for the land at Moat Road, Headcorn have been developed through a robust analysis of both the wider and immediate site contexts. The proposals have due regard to the architectural character of the area, the heritage and landscape setting to create a high-quality environment.

My evidence has demonstrated that the proposals are of high quality and a locally distinctive design that meet the criteria set out under:

- i) The NPPF, Section 7
- ii) The ten characteristics of a “**well designed place**” as set out under The National Design Guide.
- ii) Relevant design related policies of The Maidstone Borough Local Plan 2021-2038, in particular LPRSP14 & LPRS15.
- iii) Makes effective use of land as prescribed under Section 11 of the NPPF.
- iv) Makes effective use of land as required by Local Plan Review, policy LPRHOU5, which requires 30dph for new development in local service centres.
- v) Meets the criteria of the site allocation policy LPSA310, (summarised as follows).

9.02 A number of criteria are prescribed with the site allocation policy LPSA310. These criteria have all been achieved within the proposed illustrative scheme as follows:

Site Allocation Criteria	Design Response
The proposal should be informed by a Landscape and Visual Impact Assessment and Historic Impact Assessment.	The proposal has been informed by a Landscape and Visual Impact Assessment and Historic Impact Assessment which have helped inform the setback of development from the boundaries, the landscape led approach, lower density western edge and reduction in scale on the higher ground.
Development should be setback from Moat Road and the Western	Development has been setback from Moat Road and the Western Boundary and in

<p>Boundary as well as being respectful to the adjacent residential properties.</p>	<p>direct response from officer’s comments at the Reg 18 SHALA submission stage. The layout plan in the Appendix of my evidence shows the proposed dimensions for the landscape buffers.</p> <p>The development is respectful to the adjacent residential properties creating a 10m landscape buffer to the eastern boundary.</p>
<p>Density and typologies should be reflecting the site’s semi-rural nature.</p>	<p>The illustrative layout demonstrates the development approximately 110 dwellings, (the application being for <u>up to</u> 115 dwellings which is within 5% of the allocation figure)</p> <p>Lower density housing to the western edge to reflect the site’s semi-rural nature.</p>
<p>Distinct Character Area should be defined.</p>	<p>Distinct Character Areas are defined to reinforce identity and create a legible development. Please refer to the DAS, pgs 34 -38, for a detailed description of the four character areas and the accompanying Character Area Plan.</p>
<p>Lower densities should be located on the western portion of the site.</p>	<p>Lower densities have been located on the western portion of the site, with the a transition in density across the site reducing to 21dph on the western edge. Please refer to, Fig.14 Density Plan, on pg.34 of my evidence and which demonstrates this approach.</p>
<p>East – West landscaping should be introduced.</p>	<p>Layered East – West (and North/South) landscaping has been introduced in the layout to visually break up and soften the roofscape. (Please refer to Fg.1 & Fig.2 on</p>

	pg.'s 15 & 16 of my evidence for the plans demonstrating this approach.)
<p>No less than 1.9 Ha of semi/natural open space shall be provided.</p> <p>No less than 0.8 Ha of open green amenity space incorporating a children's play area should be provided.</p>	<p>Significant areas of open space including semi/natural and amenity space incorporating a children's play area. In total all open space typologies comprise around 3.29 ha of multi-functional green infrastructure, (in excess of the 2.7 ha required by the site allocation.)</p> <p>(Refer to DAS pg.'s 20 & 21 for open space summary)</p>

10.0 Appendix

Sketch Layout Masterplan (SKMP-01 Rev A5)



A1

View to church tower to be retained from residential locations

Project	Moat Road, Headcorn
Drawing	Sketch Layout Master Plan - 01
Client	CATERBY ESTATES PLC
Job No.	CATER1100B
Date	08.11.22
Author	VLJPM
Scale	1:1000/040
Checked	-/-
Status	PLANNING
Office	Romney
Client Ref.	

Rev	Description	Date	Au	Ch
A1	Approved Layout	22.08.23	M, JPM	-/-
A2	Approved Layout	23.03.24	M, JPM	-/-
A3	Amendments after meeting	23.03.24	M, JPM	-/-

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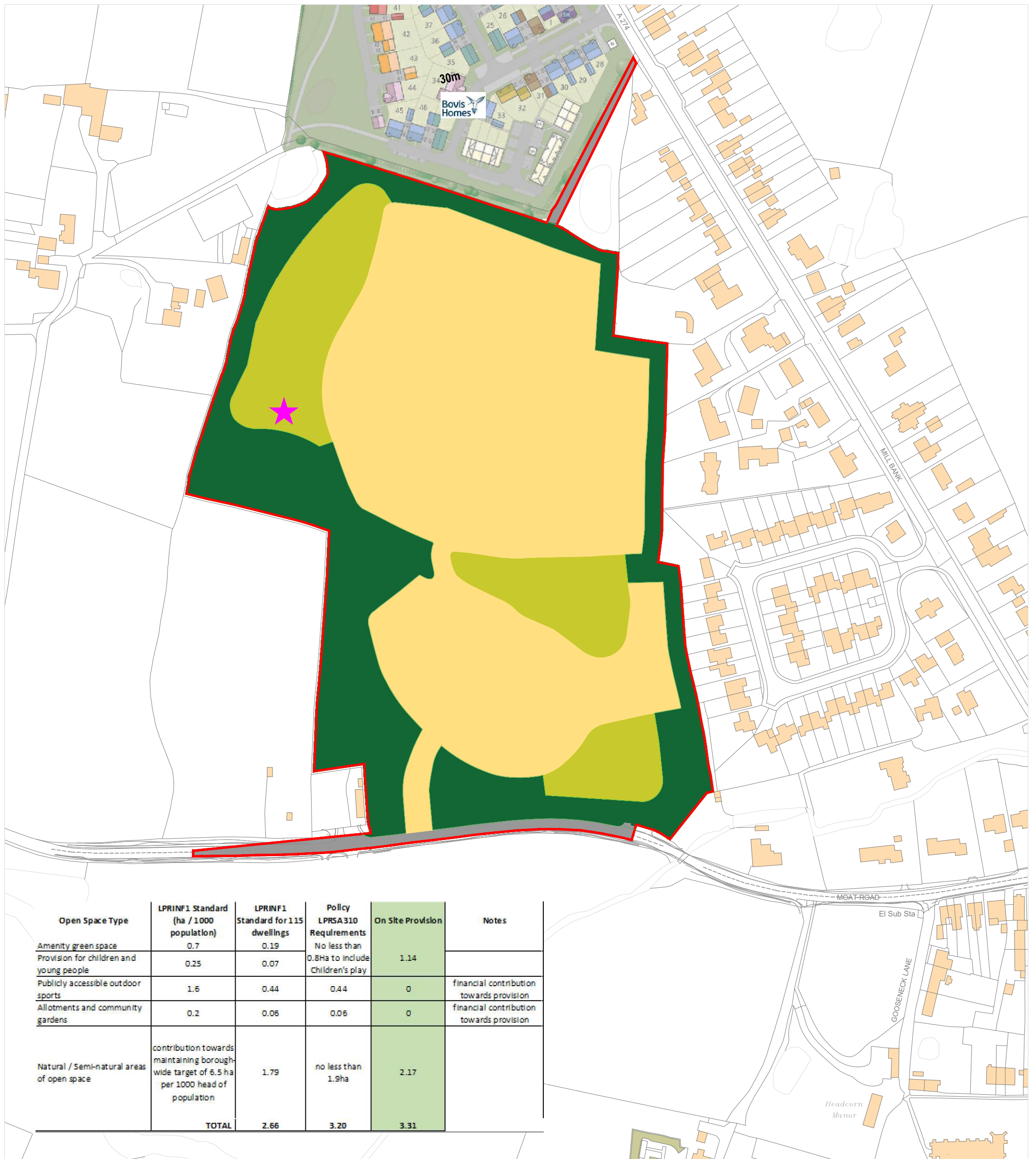
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Appendix 3.0

Open Space Performance Plan



Open Space Type	LPRINF1 Standard (ha / 1000 population)	LPRINF1 Standard for 115 dwellings	Policy LPRSA310 Requirements	On Site Provision	Notes
Amenity green space	0.7	0.19	No less than 0.8Ha to include Children's play	1.14	
Provision for children and young people	0.25	0.07			
Publicly accessible outdoor sports	1.6	0.44	0.44	0	financial contribution towards provision
Allotments and community gardens	0.2	0.06	0.06	0	financial contribution towards provision
Natural / Semi-natural areas of open space	contribution towards maintaining borough-wide target of 6.5 ha per 1000 head of population	1.79	no less than 1.9ha	2.17	
TOTAL		2.66	3.20	3.31	

- Site Boundary 7.42Ha / 18.33Ac
- Development Area 3.90Ha / 9.63Ac
- Highways 0.21Ha / 0.52Ac
- Amenity Green Space - 1.14Ha / 2.82Ac (including Children's Play)
- Natural and Semi-Natural Open Space - 2.17Ha / 5.36Ac
- ★ Approximate location of Children's Play Provision within Amenity Green Space

e	21/11/2024	Emergency access track removed from O.S calcs	AKP
d	02/09/2024	Updated to reflect Framework Plan - 01 (rev A5)	LA
Rev:	Date:	Description:	Initial:

Project:
**Land at Moat Road,
 Headcorn, Kent**

Drawing:
15e Open Space Performance Plan

Scale: 1:2000@A3	Drawn: AKP
Date: 02/08/2023	Checked: --

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