

A J Bingham TD Dipl Arch ARIBA MRTPI (Retd) Will say:

I am a corporate member of the Royal Institute of British Architects and a retired member of the Royal Town Planning Institute. I am now retired but I have spent the whole of my 51 years working life in the Planning and Development Industry. Initially I worked for a number of local planning authorities, but for 35 years I was employed by the Planning Inspectorate as a Planning Inspector.

I speak today to comment on the content and validity of the application, the subject of this appeal. The application made to the Council is an outline application for residential development which includes a number of additional proposals. As a stand alone proposal the outline application is acceptable, but the add-on proposals appear irrelevant to an application for outline planning permission. Moreover, they are described in the application as "*off site works*" and "*associated highway works*". This brings their inclusion in the application into doubt. As shown on the application plans, the works include such proposals as the construction of a footway adjacent to the north side of the carriage way of Moat Road, the formation of a pedestrian crossing, traffic control measures and various other proposals. They obviously do not form part of the application site as they do not comply with the convention which requires definition of the site boundary.

In my opinion these add-on proposals throw the validity of the application into doubt. It seem so me that the have been added to the basic outline application for planning permission for an untoward purpose. Namely, had the Council approved the application for outline planning permission, the all the add-on, having been included in the application, would have been seen to have been given the green light.

However, there is one add-on proposal that definitely renders the application invalid. That is the act of seeking authority to demolish a listed building by means of a planning permission. Legislative requirements that provide listed building controls ensure that alterations to, extensions of and demolitions of listed buildings may only be lawfully implemented if listed building consent has been

granted to an application made in that behalf. The add-on proposal "*to replace curtilage listed building*" by means of a planning permission, when the grant of listed building consent is required, fails to accord with the statutory provisions governing listed buildings.

I make a further criticism of the application, which I consider further invalidates the application, and this relates to the address of the appeal site. The address of the appeal site, as given on the application, is "*Land at Moat Road Headcorn Maidstone*". This is incorrect. I have lived in Moat Road for almost 55 years and all mail sent to me, including mail from the Council notifying me of this appeal, has been sent to my home address at Moat Road, Headcorn, **Ashford**, Kent. Clearly, the correct address of the appeal site is Moat Road, Headcorn, Ashford, Kent. Registration and advertisement of the application under the wrong address given above is a likely source of confusion to the general public and perhaps others. This is because there is a Mote Road in Maidstone, near Maidstone town centre, but some 8 miles distant from the appeal site.

If there is acceptance that the application is invalid it seems to me that the application should be declared null and void with the appeal dismissed for the reason that the application is invalid