

STATEMENT OF CASE OF MAIDSTONE BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

APPEAL BY: Catesby Strategic Land Ltd AND The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge

LOCATION: Land at Moat Road, Headcorn, Maidstone, TN27 9NT

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).

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

LPA Reference: 23/504471/OUT

Date: November 2024

1. INTRODUCTION

- 1.1. This Statement of Case addresses the reasons for refusal in respect of an outline planning application (with all matters reserved except for access) submitted by 'Catesby Strategic Land Ltd & The Master Fellows & Scholars Of The College Of Saint John The Evangelist In The University Of Cambridge' for the development of up to 115 dwellings including demolition of existing buildings, new means of access into the site from Moat Road, diversion to public right of way KH590, associated highway works, provision of public open space, provision of a shelter to replace curtilage listed building, emergency/pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).
- 1.2. The planning application was 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 houses. This was amended in March 2024 to seek outline consent for up to 115 houses.
- 1.3. Planning permission was refused for the 6 reasons set out on the decision notice and as set out at section 2 below.

2. REASONS FOR REFUSAL

- 2.1. The application was refused for the following 6 reasons:

1. *The proposed development would erode openness and cause unacceptable harm to the character and appearance of the rural area which lies in the Low Weald Landscape of Local Value. The harmful development would be particularly visually prominent due to site topography and the site being elevated above Moat Road. The proposed urbanising form of major development in an edge of settlement location would be visually harmful to the setting of Headcorn and its Conservation Area in its rural context on approach from the west. It would therefore significantly harm the character and appearance of the rural area contrary to NPPF para 135, 180 230 and Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and Policies*

LPRSA310, LPRSP14(B) and LPRSP15 of the Maidstone Borough Local Plan Review 2024.

- 2. The visual prominence of the development in the locality has not been adequately considered or respected in the design, layout and form of the development. The indicative sizes and number of dwellings and associated hardstanding, the access, external lighting and the engineering alterations to a significant length of Moat Road will result in a layout and siting of built development of a suburban form extending into the rural landscape, significantly harming its character. 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. There are inadequate landscape buffers within and across the site to break up the massing and roofscape. The development is contrary to NPPF para 135 and 180 and policies SP17, DM1, DM8 and DM30 of the Maidstone Borough Local Plan and LPRSA310, LPRSP9, LPRSP15, LPRQD2 of the Maidstone Local Plan Review 2024.*
- 3. The demolition of the curtilage listed former Granary (Building 3) is contrary to the NPPF and Maidstone Borough Local Plan 2017 policies SP18 and DM4 and to LPRSP14(B) and LPRENV1 of the Maidstone Borough Local Plan Review 2024. There is substantial harm from loss of a heritage asset with no justification or mitigation for the loss with the absence of a satisfactory replacement structure that reuses any of the materials from Building 3.*
- 4. There is a lack of community gardens and an inadequate amount of natural and semi-natural open space in terms of public useability because the attenuation basins have not been demonstrated to be wet ponds and ecological habitat/mitigation areas would not be publicly accessible. Therefore, the proposal has not been demonstrated to comply with policy DM19 of the Maidstone Borough Local Plan 2017 or LPRSA310, LPRSP13 and LPRINF1 of Maidstone Borough Local Plan Review 2024.*
- 5. There has not been a demonstration of safe pedestrian and cycle access when vehicles will use the Secondary Access route to the A274 during major*

flood events. There has not been demonstration of safe cyclist access to the A274 via the alterations to Moat Road. This would be contrary to the aims of sustainable development by securing good walking, wheeling and cycling infrastructure as set out in the National Planning Policy Framework, the objectives of Active Travel England, Policies SS1, SP17, SP23 and DM1 of the Maidstone Borough Local Plan and policies LPRSA310, LPRSS1, LPRSP12 and LPRSP15 of the Maidstone Borough Local Plan Review 2024.

6. The development will result in significant additional pressure on Kent County Council infrastructure including primary and secondary education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority. This is contrary to policy ID1 of the Maidstone Borough Local Plan 2017 and policy LPRSP13 of the Maidstone Borough Local Plan Review 2024.

- 2.2. When the decision was made the Council's Local Plan Review (LPR) had been adopted just under 6 weeks earlier on 20th March 2024. As such the decision fell within the 6 week judicial review period for the new LPR and so an assessment was made under policies from both the previous Maidstone Borough Local Plan 2017 (LP17) and the LPR.
- 2.3. In this respect, much of reason 1 and aspects of reason 2 are based on the LP17 position of the site not being allocated for development in the LPR. As such, the LPA's reasons for refusal have been updated to reflect the current position of the Development Plan comprising the LPR.
- 2.4. The main changes are reasons for refusal 1 and 2 which have been consolidated. They do not add any additional grounds but remove elements that were relevant to the LP17 and the site not being allocated; and provide greater clarity on the relevant policies and specific criteria in the LPR in dispute, and relevant NPPF paragraphs.
- 2.5. Regarding the setting of the Conservation Area referenced under reason for refusal 1, this position has been reviewed following submission of this appeal and the LPA will not be pursuing this ground and do not consider the proposals

would cause a level of harm to the setting of the Conservation Area that warrants a ground for refusal.

- 2.6. For reasons 2-5, the changes are providing clarity on relevant policies and their specific criteria, specific NPPF paragraphs, and the removal of references to any LP17 policies.
- 2.7. The updated reasons for refusal (now 5 in total) are set out below and these are grounds the LPA will be defending for this appeal. All these changes have been carried out under delegated authority (see **Appendix 1**).

Updated/Consolidated Reasons for Refusal

- 1. 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 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 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 1b), LPRSP15 (parts 2, 6 and 7) and LPRSA310 (parts 7 and 8) of the Maidstone Borough Local Plan Review 2024.***
- 2. The demolition of the curtilage listed former Granary (Building 3) is contrary to the NPPF paragraphs 206(a) and 207, and policies***

LPRSP14(B) (parts 2 and 4) and LPRENV1 (parts 1 and 4) of the Maidstone Borough Local Plan Review 2024. There is substantial harm from loss of a heritage asset with no justification or mitigation for the loss with the absence of a satisfactory replacement structure that reuses any of the materials from Building 3.

- 3. There is a lack of community gardens and an inadequate amount of natural and semi-natural open space in terms of public useability because the attenuation basins have not been demonstrated to be wet ponds and ecological habitat/mitigation areas would not be publicly accessible. Therefore, the proposal has not been demonstrated to comply with policies LPRSP13 (parts 2 and 8(c)), LPRSA310 (parts 25 and 26), and LPRINF1 (parts 1 and 2) of Maidstone Borough Local Plan Review 2024.***

- 4. There has not been a demonstration of safe pedestrian and cycle access when vehicles will use the Secondary Access route to the A274 during major flood events. There has not been demonstration of safe cyclist access to the A274 via the alterations to Moat Road. This would be contrary to the aims of sustainable development by securing good walking, wheeling and cycling infrastructure as set out in the NPPF paragraphs 108(c), 110(d), 114(a)(b), 116(a)(c), the objectives of Active Travel England, and policies LPRSP12 (part 3(b)(e)(k)), LPRSP15 (parts 1 and 11), and LPRSA310 (parts 18 and 20) of the Maidstone Borough Local Plan Review 2024.***

- 5. The development will result in significant additional pressure on Kent County Council infrastructure including primary and secondary education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority. This is contrary to policy LPRSP13 (part 1) of the Maidstone Borough Local Plan Review 2024.***

2.8. In relation to reason for refusal 6, the appellant has indicated in their Statement of Case (paragraphs 6.77 and 6.78) that whilst they question the education financial contribution in terms of some of the schools mentioned, should a contribution be required, over and above any CIL payment, they will secure this through a legal agreement. Following further correspondence on this matter after submission of the appeal, the appellant's agent confirmed by email on 11th November that the appellant has "*agreed to pay the S106 education contributions which have been sought.*" (see email at **Appendix 2**). Therefore, at this stage it appears that this reason for refusal will be overcome through a legal agreement securing the necessary financial contribution towards education. The LPA will work with the appellant and the Education Authority in order to overcome this ground.

2.9. Subject to the education contribution being resolved, the key issues for the appeal in relation to the amended reasons for refusal are likely to relate to:

1. *The proposed development's impact upon the character and appearance of the local area and landscape including the Low Weald Landscape of Local Value (LLV) and whether it complies with the site allocation conditions.*
2. *The loss of a curtilage listed building.*
3. *The quantum of natural/semi-natural public open space and its useability, and the lack of community gardens.*
4. *The safety and suitability of the secondary access for pedestrian and cyclists when used by vehicles.*
5. *The safety and suitability of the alterations to Moat Road for cyclists to access the village and whether this promotes active travel.*

3. DESCRIPTION OF APPEAL SITE AND SURROUNDING AREA

3.1. The appeal site is irregular in shape and located to the north of Moat Road and bounded by housing development to the north and east sides. Adjacent to the

northwest is the dwelling 'Black Mill Farm' and its garden and beyond are a number of houses at the north end of Black Mill Lane. The majority of the west boundary is bounded by open fields with hedge/tree boundaries and beyond here are further fields. To the south of Moat Road are open agricultural fields.

- 3.2 The application site (which includes a length of Moat Road itself and the emergency access) measures 7.42 ha and the main development area is 7.1ha. The section of Moat Road south of the site is two lanes but narrows over the bridge to the east of the site. It has no kerbs, footways or lighting and is bounded by road-side trees and hedging. The northern part of the site is generally on a plateau but the middle and southern parts slope downwards to the south.
- 3.3 The site is generally open but with 5 small former farm outbuildings in the southeast corner. One building is a pre-1948 building and curtilage listed (due to being part of the wider complex of the Grade II listed Moat Farm at the date of its listing in 1968). GII listed Moat Farm itself is just outside the appeal site in the southeast corner.
- 3.4 The site is allocated for housing development in the LPR under policy LPRSA310. The appeal site (red outline) follows the boundaries of the allocation in the LPR apart from it including the secondary access to the north and a section of Moat Road.
- 3.5 The site falls within the Low Weald Landscape of Local Value (LLV). Parts of the southern part of the site near to Moat Road fall within Flood Zones 2 and 3 and Moat Road itself here falls within Zone 2 with parts in Zone 3. The southeast corner of the site is around 135m from the Headcorn Conservation Area at its nearest point.
- 3.6 The River Beult SSSI passes within 200m of the site's southern boundary and the site is within 12m of the watercourse of Hoggs Stream at the southeast corner. Public Right of Way (footpath KH590) runs northwards from Moat Road across the west part of the southern field. There is a Tree Preservation Order

from 1986 on the site (no. 5 of 1986) which covers a group of oak trees that lie on the west site boundary in the middle of the site.

- 3.7 In the wider context, the site adjoins the west edge of the village of Headcorn which is around 13km southeast of the centre of Maidstone.

4. HISTORY OF THE APPEAL SITE

App No	Proposal	Decision	Date
22/505616/OUT	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.	WITHDRAWN	28/03/23
23/505693/LBC	Listed building consent for the demolition of a potentially curtilage Listed structure related to Moat Farm.	REFUSED	08/02/24

5. PROPOSED DEVELOPMENT

- 5.1. The appeal proposal is an outline application with only access being considered at this stage. However, a 'Framework Plan 01' and a 'Sketch Layout Master Plan 01' were submitted to show how the appellant intends to develop the site with residential and open space areas clearly defined. The Design and Access Statement (DAS) at page 22 states that the 'Illustrative Masterplan' (which is the Sketch Layout Master Plan) is intended to show one way in which the principles and strategies outlined throughout the DAS can be applied to the Framework Plan.
- 5.2. The Framework Plan shows the residential development area stated to be up to 2 storeys, and open space stated to accommodate amenity space, Sustainable Drainage Systems (SuDS), children's play, recreation footpaths, and vehicle access. Page 6 of the Design and Access Statement states that, "*The Framework*

Master Plan... is the plan to be formally considered for approval as part of the Outline Planning Application”.

- 5.3. The LPA agrees the Framework Plan is the plan that must be formally considered as part of this outline development and so the area for residential development is clearly defined.
- 5.4. The appellant’s Flood Risk Assessment (FRA) in relation to surface water states under section 7.3.3 that, *“three detention basins have been strategically located within the areas of open space in the southwest corner of each catchment”,* which *“have been designed at 1 - 1.5m deep and have side slopes of 1:3.”* These three basins are shown at their true size on the plan at Appendix 7 of the FRA and are illustrated loosely on the ‘Sketch Layout Master Plan 01’ and referred to in the DAS.
- 5.5. Based on the above, the development is considered to be made up of the following main elements:
- Erection of up to 115 dwellings up to 2 storeys in height in the area shown as ‘residential’ on the Framework Plan.
 - Creation of one vehicular access and one pedestrian access onto Moat Road.
 - Demolition of a curtilage listed building and other buildings.
 - Erection of a single storey shelter.
 - Surface water drainage infrastructure works being 3 detention basins.
 - Off-site highway works on Moat Road (new footway and priority arrangement).
 - Use of an existing track to the north of the site for pedestrian and cyclist access and also acting as an emergency vehicular access, and a secondary vehicle access during flood events to Moat Road.
- 5.6 The appellant goes on to describe their proposals in more detail beyond the above in their Statement of Case at paragraph 4.5 as follows, and this is stated to be based on the ‘Sketch Layout’ submitted with the application:

- Residential land uses occupying 3.9ha of the site.
- Open space totalling 3.36ha.
- Landscape buffers including public open space on the southern and western boundaries as per the Framework Plan.
- 10m landscape buffer along the eastern boundary as per the Framework Plan.
- Four character areas as per the Design and Access Statement.
- SuDs form an important element of the open space and are subject to detailed designs.

6. STATUTORY REQUIREMENTS

- 6.1. In accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 this Appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 The Council's case is that the appeal should be dismissed in light of the conflict with relevant Development Plan policies, and this is not outweighed by any other material considerations.
- 6.3 In accordance with Section 58B of the Town and Country Planning Act 1990 (as inserted by section 102 of the Levelling up and Regeneration Act 2023), "*In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority must have special regard to the desirability of preserving or enhancing the asset or its setting.*" Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places the same duty on planning decision makers in respect of listed buildings and any features of special architectural or historic interest which they possess.

7. DEVELOPMENT PLAN POLICY

7.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan consists of the:

- Maidstone Borough Local Plan Review 2021-2038 (2024)
- Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review (2020))

Maidstone Borough Local Plan Review 2024

7.2. The Maidstone Borough Local Plan Review was adopted by the Council on 20th March 2024.

7.3. The following policies are considered to be the most important policies in the determination of the appeal:

- Policy LPRSS1: Maidstone Borough Spatial Strategy
- Policy LPRSP6: Rural Service Centres
- Policy LPRSP6(C): Headcorn
- Policy LPRSP10(A): Housing Mix
- Policy LPRSP10(B): Affordable Housing
- Policy LPRSP12: Sustainable Transport
- Policy LPRSP13: Infrastructure Delivery
- Policy LPRSP14: The Environment
- Policy LPRSP14(A): The Natural Environment
- Policy LPRSP14(B): The Historic Environment
- Policy LPRSP14(C): Climate Change
- Policy LPRSP15: Principles of Good Design
- Policy LPRSA310: Moat Road, Headcorn (site allocation)
- Policy LPRHOU5: Density of Residential Development
- Policy LPRTRA2: Assessing the Transport Impacts of Development
- Policy LPRINF1: Publicly Accessible Open Space and Recreation
- Policy LPRENV1: Development Affecting Heritage Assets

Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review (2020))

- 7.4. The Kent Minerals and Waste Local Plan (KMWLP) was adopted by Kent County Council in September 2020.
- 7.5. Policies CSM5 and DM7 are relevant to the appeal and the proposals are not considered to be contrary to these policies or the KMWLP.

8. NATIONAL PLANNING POLICY

- 8.1. At the national level, the National Planning Policy Framework 2023 (NPPF) constitutes policy to which the LPA must have regard.
- 8.2. Sections of the NPPF most relevant to the appeal are listed below:
- Section 2: Achieving Sustainable Development
 - Section 4: Decision-making
 - Section 5: Delivering a Sufficient Supply of Homes
 - Section 9: Promoting Sustainable Transport
 - Section 11: Making Effective Use of Land
 - Section 12: Achieving Well-Design and Beautiful Places
 - Section 15: Conserving and Enhancing the Natural Environment
 - Section 16: Conserving and Enhancing the Historic Environment
- 8.3. Related sections of the Planning Practice Guidance may also be relevant.

9. SUPPLEMENTARY PLANNING DOCUMENTS / OTHER RELEVANT DOCUMENTS

- 9.1. In addition, the following documents will be relied upon by the Council at Inquiry:
- National Design Guide (2019)
 - Maidstone Landscape Character Assessment 2012 (Updated 2013)

- Supplementary Planning Documents: Maidstone Building for Life 12 (2018)
- Kent Design Guide (2005) – Kent County Council
- Affordable and Local Needs Housing SPD (2020)
- Infrastructure Delivery Plan (Maidstone Borough Local Plan 2011-2031)
- Infrastructure Delivery Plan (Local Plan Review 2021-2038)
- Active Travel England Standing Advice Note: Active Travel and Sustainable Development
- Local Transport Note 1/20 – Cycle Infrastructure Design (DfT)
- Manual for Streets (DfT)
- Inclusive Mobility –A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (DfT)
- BS 7913: 2013 Guide to the Conservation of Historic Buildings

9.2. A list of core documents will be agreed with the Appellant.

10. THE CASE FOR THE COUNCIL

10.1 The Council submits that the appeal proposal fails to accord with the development plan, read as a whole, and the other material considerations in this case do not indicate that planning permission should be granted in conflict with the development plan.

The Allocation

10.2 The LPR at paragraph 2.5, establishes the framework to guide future development of the borough. The LPR plans for (amongst other matters) homes and the environment. In particular, the LPR at paragraph 2.9 sets out the scale and distribution of development; identifies, by site, where development will be located; identifies where development will be constrained, and explains the infrastructure required to help deliver the plan.

10.3 The formulation of the LPR has required the Council to balance a number of factors, some of which are conflicting, including the goal of building more homes, as well as supporting the environment, including the substantial rural hinterland to the Borough. This reflects the strategic objectives underpinning

the LPR, for example embracing growth and conserving the natural environment. In particular, spatial objective 10 (meeting housing need) explains that:

'The plan supports new housing in villages that meet local needs and is of a design, scale, character and location appropriate to the settlement and which supports the retention of existing services and facilities, a better mix and balance of housing will be provided, while the density and location of development will also be carefully considered.'

10.4 Headcorn is a Rural Service Centre which can provide for some development and support for the role of the rural service centres. Accordingly, the spatial strategy for the Borough, as set out in Policy LPRSS1, identifies Headcorn as a location for *"the secondary focus for housing development with the emphasis on maintaining and enhancing their role"*.

10.5 Policy LPRSP6 concerns Rural Service Centres, including Headcorn, and provides that new development will be focused within settlements on allocated sites. In turn, Policy LPRSP6(C), concerning Headcorn specifically, identifies the Appeal Site as an allocation for *'approximately 110 new dwellings'*.

10.6 Notably, the settlement boundary for Headcorn has been extended to encompass the Appeal Site. In the earlier Local Plan, the Appeal Site was entirely within the open countryside, outside of the settlement boundary. Accordingly, the settlement boundary for Headcorn now follows the northern, western and southern boundaries of the Appeal Site. (Figure 6-10 of the LPR page 102.)

10.7 Policy LPRSP6(C) sets out the infrastructure requirements for Headcorn:

4. Key infrastructure requirements for Headcorn include:

- a. Improvements to highway and transport infrastructure, including junction improvements, a variety of measures to improve sustainable transport infrastructure and improvements to pedestrian and cycle*

access, in accordance with individual site criteria set out in policies H1(36) and LPRSA310;

- b. Provision of a one form entry extension to Headcorn Primary School;*
- c. Improvements to open space which improve overall quality, and address forecast deficits of 1 hectare amenity, 1.1 hectares play, 7.7 hectares sports, 0.2 hectares allotment, and 30.2 hectares natural/semi-natural green space.*

10.8 The Allocation is set out in detail in Policy LPRSA310. The Allocation should be read as a whole (as should the development plan), but the following parts are particularly material.

10.9 The Allocation establishes that the Appeal Site is an appropriate location for residential development.

10.10 The Allocation permits residential development *'of approximately 110 dwellings'*. Notably, this is reiterated in both LPRSP6(C) and in policy LPRSA310.

10.11 During the plan-making process, the Council did not undertake landscape sensitivity testing nor detailed capacity testing by reference to landscape and visual effects so there was no site specific consideration of capacity based on landscape sensitivities.

10.12 It follows that the acceptable quantum of development must be established within the parameters of the Allocation, in particular the parameter of *"approximately 110 dwellings"*. The fact that the parameter is *'approximately 110 dwellings'* means that an acceptable quantum may be below 110 dwellings (albeit approximate to that number).

10.13 Paragraph 1 of the Allocation specifies *'conditions'* which are *'to be met before the development is permitted'*. It is the conditions of LPRSA310 that reflect and seek to address landscape sensitivities albeit not based on any detailed testing.

10.14 Before outline planning permission can be granted, there must be certainty at this stage that **all** the conditions can be met, whether through Reserved Matters and/or through discharge of conditions or s106 obligations. A failure to demonstrate that these conditions can be satisfied with the quantum of development proposed will cause a proposal to be in conflict with the Allocation, even if it is for '*approximately 110 dwellings*', because it will not be able to deliver everything required in the allocation at this stage. The Reserved Matters will need to be capable of complying with relevant local and national policies including the National Design Guide.

10.15 It further follows that whilst the Allocation anticipates a change in the character of the Appeal Site this is only to the extent necessary to accommodate '*approximately 110 dwellings*' (bearing in mind that the acceptable number may be below 110 dwellings); and whilst ensuring that the adverse impacts of any development on the character and appearance of the area are minimised and mitigated so far as possible. This is particularly important given the sensitive edge of settlement location of the Appeal Site and the visual prominence in the surrounding area; as well as the broader strategic imperatives to balance growth with the protection of the natural environment. The policy requirements may in practice necessitate a lower quantum than 115, or indeed lower than 110 houses. The policy expressly contemplates that the final scheme might be above or below 110. The aims of LPRSA310 conditions 2, 3, 4, 7, and 8 in particular are recognising the visual prominence of the site and the sensitivity of the location and requiring the development to respond to and minimise impact.

Reason for Refusal 1 – Harm to the Character and Appearance of the Local Area and Non-Compliance with the Allocation Policy

10.16 It will be demonstrated that the proposed development is contrary to Policies LPRSP14(A), LPRSP15, and LPRSA310 of the Local Plan Review.

10.17 Policy LPRSP14(A) under criterion 1(b) requires new development to incorporate measures where appropriate to protect positive landscape character (including the Low Weald Landscape of Local Value) from inappropriate

development and to avoid significant adverse impacts as a result of development through provision of adequate buffers.

10.18 Policy LPRSP15 states the proposals should create high quality design and criterion 2 states they must respond positively to, and where possible enhance, the local and natural character of the area with particular regard paid to matters including scale, height, and site coverage. Criterion 6 requires development to respect topography, respond to the location of the site, and sensitively incorporate natural features with particular attention paid to rural and semi-rural areas where retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used to help assimilate development. Criterion 7 requires a high-quality design that responds to areas of landscape value.

10.19 Allocation policy LPRSA310 requires development proposals to be informed by a LVIA (condition 2); built development set back from Moat Road and the western boundary (3); residential density and typologies that reflect the site's semi-rural setting (4); lower densities and built form on the western portion of the site which shall reflect its adjacency to open countryside (7); and the layout and form of buildings designed to mitigate the rising topography with east/west landscaping introduced to break up the overall visual massing (8).

10.20 Whilst LPR policy LPRHOU2 is not referred to in the LPAs reason for refusal it is still a relevant policy to which the Inspector must have regard. It states as an overriding consideration that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.

10.21 Paragraph 135(c) of the NPPF states that planning decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

10.22 The Council's evidence will demonstrate that the appeal site forms a highly representative part of the High Weald Landscape of Local Value, at a sensitive location close to the Beult valley on the rural edge of Headcorn. The Council

will argue that this location should form the starting-point for defining the acceptable quantum and layout of the proposed development, notwithstanding the indicative capacity of the site specified in Policy LPRSA310.

10.23 The Council maintains that the appellant has failed to demonstrate that the built form and density responds appropriately to the semi-rural location and proximity of the countryside, and that structural landscaping can be used to break up its massing to a material degree or to appropriately assimilate the development into its setting.

10.24 As a result, the appeal scheme does not comply with Conditions 7 and 8 of policy LPRSA310; 2, 6, and 7 of policy LPRSP15; and 1(b) of policy LPRSP14(A). The Council considers that this non-compliance reflects the spatial limitations of the site, and this is not capable of being resolved at the Reserved Matters stage without a reduction in the site coverage by dwellings and associated access roads and parking, which will require a lower number of dwellings.

Reason for Refusal 2 – Loss of Curtilage Listed Building

10.25 It will be demonstrated that the proposed development is contrary to Policies LPRSP14(B) and LPRENV1 of the Local Plan Review.

10.26 Policy LPRSP14(B) states that, “the characteristics, distinctiveness, diversity and quality of heritage assets will be conserved and, where possible, enhanced” and this will be achieved by “encouraging and supporting measures that secure the sensitive restoration and reuse of heritage assets”. 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.

10.27 Policy LPRENV1 criterion 1 states that applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and its setting. Criterion 4 states that the council will apply the relevant tests and

assessment factors specific in the NPPF when determining application for development that would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.

10.28 Paragraph 202 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. Paragraph 203 of the NPPF states that in determining application LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 205 states that great weight should be given to the conservation of heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Paragraph 206 states that any loss of a designated heritage asset should require clear and convincing justification and the loss of Grade II listed building should be exceptional. Paragraph 207 states that where a development leads to substantial harm to (or total loss of significance of) a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other situations listed apply.

10.29 The Council's evidence will demonstrate why the building is curtilage listed and has heritage significance.

10.30 The Council's evidence will demonstrate that the proposal does not comply with the above policies because the appellant has failed to provide sufficient justification for the loss of the curtilage listed building as required under paragraphs 206 and 207 of the NPPF.

10.31 The Council's evidence will demonstrate that the proposal fails to protect the designated heritage asset, which would result in harm to the designated heritage asset. It will be demonstrated how the harm caused is not outweighed by any public benefits of the development.

Reason for Refusal 3 – Lack of Adequate Public Open Space

- 10.32 It will be demonstrated that the proposed development is contrary to Policies LPRSP13, LPRSA310 and LPRINF1 of the Local Plan Review.
- 10.33 Policy LPRSP13 criterion 2 outlines that detailed specifications of the site-specific contributions required are included in the site allocation policies (which are not exhaustive lists) and proposals should seek to make provision for all the land required to accommodate any additional infrastructure arising from the development. Criterion 8 relates to public open space and part (b) states all new development should make a contribution, either on site, or where not feasible, off-site to improving the borough's open space and on some strategic sites, and part (c) that open space will be allocated as a part of the land uses required within the site allocation.
- 10.34 Site allocation policy LPRSA310 identifies a requirement for no less than 1.9 hectares of semi/natural open space focussed on biodiversity net gain, and 0.8 hectares of open green amenity space incorporating a children's play area under criteria 25 and 26. It states where this it is not feasible to provide an appropriate open space typology in accordance with LPRSP13 and LPRINF1, an appropriate financial contributions towards off-site provision/public realm improvement within the village should be made.
- 10.35 Policy LPRINF1 sets out quantity (criterion 1), quality (criterion 2), and accessibility (criterion 4) standards for public open space.
- 10.36 It is considered the starting point for on-site open space as per strategic policy LPRSP13 part 8(c), is the allocation policy and this specifically requires no less than 1.9 hectares of semi/natural open space focussed on biodiversity net gain, and 0.8 hectares of open green amenity space incorporating a children's play area. These are conditions of the allocation which must be met/provided.
- 10.37 Policy LPRINF1 sets out 'quality standards' under part 2 which all new open spaces should meet which include providing multi-functional benefits; being designed to encourage physical activity to improve mental well-being and health

inequalities; providing a location and shape for the space which allows for meaningful recreation; and where appropriate providing interest and activities for a wide range of users. Public open space should therefore be accessible and useable by the public and provide meaningful recreational use.

10.38 With regard to the required semi/natural open space the appellant has identified this on a new plan submitted with their appeal (Open Space Performance Plan). This states that 2.22ha of natural/semi-natural open space is provided which is shown in a dark green colour on the plan.

10.39 The Council will submit that the appellant has not demonstrated that a sufficient amount of natural and semi-natural open space both in quantum, and public useability can be provided in a scheme of up to 115 houses. This is because the area shown will be taken up with the SuDs basins (as shown at Appendix J of the appellant Flood Risk Assessment), which are not considered to qualify as public open space; and parts will not be accessible or provide meaningful recreation notably along the eastern boundary of the development areas as shown on the Framework Plan as the '10m landscape and ecology corridor'. The emergency/secondary access is also shown as open space which it is not. This is contrary to condition 25 of LRPSA310 and policy LPRINF1 of the LPR.

10.40 SuDs basins are typically dry for most of the year and for these reasons are not considered to provide public open space benefits. However, if such areas are maintained as wet ponds all year round they do provide an amenity and recreational value and contribute to the appreciation and enjoyment of the public open space. Moreover, policy LPRINF1 provide examples of semi/natural open space which includes wetlands, open and running water, and ponds and this does not include dry SuDs depressions. The appellant's Statement of Case does not clarify whether the SuDs basins are wet ponds stating at paragraph 6.59 they could be either wet or dry. In the absence of these being confirmed as wet ponds, these areas cannot be regarded as public open space.

10.41 The Council will submit that the necessary amount of 'community gardens' have not been provided on-site with the minimum size facility required being 0.66ha as per policy LPRINF1 (part 1). It is noted in the appellant's statement of case

at paragraph 6.54 they state there is sufficient space on the site for a community garden and a condition could be applied to this effect. The Council will submit that if the minimum size facility (0.66ha) was provided this would either be at the expense of semi/natural open space which is already deficient, or the amenity green space which would take this below the requirement of 0.8ha under the allocation policy.

10.42 In conclusion, the Council will demonstrate that the quantum of development as shown on the Framework Plan and the need for SuDs infrastructure means that the allocation policy LPRSA310 requirements for semi/natural and amenity green open space, and policy LPRINF1 requirements for allotments/community gardens cannot be met.

Reason for Refusal 4 – Suitability of the Secondary Access for Pedestrians and Cyclists and Suitability of Moat Road for Cyclists and the Promotion of Active Travel.

10.43 It will be demonstrated that the proposed development is contrary to policies LPRSP12, LPRSP14(C), LPRSP15, LPRSA310, and LPRTRA2 of the Local Plan Review.

10.44 Policy LPRSP12 states that working in partnership with the Highways Authorities, infrastructure providers, and public transport operators, the Council will manage any negotiations and agreements regarding schemes for mitigating the impact of development where appropriate on the local road networks and facilitate the delivery of transport improvements to support the growth proposed by the LPR (criterion 1). In doing so 3(b) requires the delivery of modal shift through managing demand on the transport network through enhanced walking and cycling improvements; (e) requires the improvement of transport choice and seeking to influence travel behaviour; and (k) requires the promotion of inclusive access for all users on the transport network.

10.45 Policy LPRSP15 under criterion 1 requires designs and layouts that are accessible to all, and to maintain and maximise opportunities for permeability and linkages to the surrounding area and local services; and criterion 11

requires the safe accommodation of pedestrian movements generated by a proposal on the local highway network and through site access. Whilst criterion 11 does not refer to cycling, clearly such movements must also be safe.

10.46 Allocation policy LPRSA310 under condition 18 requires the provision of acceptable and safe off-site pedestrian and cycle connectivity along Moat Road to the A274; and condition 20 requires appropriate safe pedestrian access onto Maidstone Road via the northern boundary of the site. Again, whilst cycle access is not referred to under condition 20, clearly such movements must also be safe.

10.47 Whilst LPR policy LPRSP14(C) is not referred to in the reason for refusal it is still a relevant policy to which the Inspector must have regard. Criterion 6(a) requires that residential development encourages a shift towards sustainable travel through prioritising active travel by ensuring good provision and connectivity of walking and cycling routes.

10.48 Whilst LPR policy LPRTRA2 is not referred to in the reason for refusal it is still a relevant policy to which the Inspector must have regard. Criterion 2 requires that development proposals must provide priority for pedestrian and vulnerable road users through design throughout the development (part e); and suitable provision for safe active travel connectivity connecting the site to the local area (f).

10.49 Paragraph 108(c) of the NPPF states that development proposals ensure opportunities to promote walking and cycling are identified and pursued. Paragraph 110(d) requires that policies provide for attractive and well-designed walking and cycling networks. Paragraph 114(a) states that in assessing sites allocated for development in plans it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, give the type of development and its location; and part (b) to ensure safe and suitable access to the site for all users. Paragraph 116(a) states that development should give priority first to pedestrians and cycle movements both within the scheme and with neighbouring areas; part (c) to create place that

are safe, secure and attractive – which minimises the scope for conflict between pedestrians, cyclists and vehicles.

10.50 Active Travel England was a statutory consultee on the application as the site is over 5ha in area. In their response they advised that their 'Standing Advice' should be considered as part of the assessment of the application.

10.51 The 'Active Travel Standing Advice Note: Active Travel and Sustainable Development' at paragraph 1.4 sets out the Government's ambition to be a great walking and cycling nation, supporting a shift in the way people across England think about undertaking short journeys, with the aim for these trips to be seen as the most convenient, desirable and affordable way to travel.

10.52 Paragraphs 2.5 and 2.6 relate to pedestrian access to location amenities stating that footpaths/ways to local amenities should conform to the National Design Guide standard of being safe, direct, convenient and accessible for people of all abilities.

10.53 Paragraphs 2.7 and 2.8 relate to cycling accessibility. They state that off-site cycling infrastructure to a range of local amenities, railway stations, and employment areas should be coherent, direct, safe, comfortable and attractive in line with the five core design principles and geometric requirements in LTN 1/20; development should not be reliant on shared use routes in full or intermittently as this conflicts with the government's clear position that cycles must be treated as vehicles and not as pedestrians; and where on-road provision would be utilised, there should be sufficient protection from motor traffic in accordance with the suitability and segregation standards in LTN 1/20.

10.54 The Council's evidence will demonstrate that the pedestrian and cycle access proposed to Maidstone Road is not a safe or suitable route in the event of a flood situation, whereby the access to Moat Road is unavailable. The width of the route, the quality of the surfacing, and the absence of any lighting, all individually, and in combination, fail to provide an acceptable solution for a combined pedestrian, cycle, and vehicle access in the event of the main access becoming blocked by a flood, or other event.

10.55 The Council's evidence will further demonstrate that the route from the site access on Moat Road, to the A274, is not safe for cyclists, and will not satisfy the local and national policies that require encouragement for active travel, above car use, to local services and facilities. The speed of vehicles, the width of the carriageway and the absence of any cycle/vehicle segregation, in combination with the absence of street lighting, lead to an unsafe, and correspondingly unacceptable, situation.

10.56 Overall, it will be demonstrated that the proposals fail to promote or encourage sustainable travel, and for those who choose to use active travel modes, there is a severe risk to their safety. On this basis, the test of the site being safely and conveniently accessed by all users is not met.

Reason for Refusal 5 – Mitigation of the Development's Impact Upon Education

10.57 MBC is a CIL authority. However, following representations from Kent County Council (KCC) Education, reason 6 is based upon KCC's assessment that the development will result in significant additional pressure on infrastructure including primary, secondary, and SEND education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority.

10.58 As set out at paragraph 2.7, the appellant has now stated they are agreeable to paying the financial contributions towards education as have been requested by KCC to mitigate the impact of the development. It is therefore expected this reason for refusal will be overcome through a financial contribution secured under a legal agreement.

10.59 The Council and KCC will work with the appellant on this matter but if a mutually agreed contribution is not secured in a s106 legal agreement, the Council will continue to submit that the lack of financial contributions to the Local Education Authority is contrary to policy LPRSP13 of the Maidstone Local Plan Review as

the impact upon this infrastructure caused by the development is not being mitigated.

11 PLANNING BENEFITS AND BALANCE

11.1 The Council acknowledges that the appeal proposal would give rise to planning benefits. These include:

- Up to 115 new homes.
- 40% affordable housing provision.
- The provision of economic benefits in terms of construction jobs.
- The provision of economic benefits in terms of local spend.

11.2 The weight of such benefits will be assessed in detail.

12 PLANNING OBLIGATIONS AND STATEMENT OF COMMON GROUND

12.1 The appellant and the LPA are liaising on a s106 agreement in respect of affordable housing; education contributions; securing on-site biodiversity net gain for 30 years and a monitoring fee; off-site open space contributions to outdoor sports provision; and a Travel Plan monitoring fee;

12.2 These matters will be shown to accord with the tests as set out within the Community Infrastructure Levy Regulations 2015, namely that a planning obligation must be:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

12.3 The Proof of Evidence will contain a statement of compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2015.

12.4 The Council is liaising with the Appellant on a Statement Of Common Ground.

13 CONCLUSIONS

- 13.1 It will be argued that the proposal is in conflict with the Development Plan, read as a whole, and that this conflict is not outweighed by other material considerations and so the appeal should be dismissed.

14 PLANNING CONDITIONS

- 14.1 A final set of conditions, without prejudice to whether the appeal should be allowed, will be agreed with the Appellant intended to be submitted under the Statement of Common Ground.

Appendix 1

Supplementary Delegated Report:
LPA's Amended Reasons for Refusal

APPLICATION PROPOSAL		Ref No 23/504471/OUT
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).		
ADDRESS Land at Moat Road, Headcorn, Maidstone, TN27 9NT		
RECOMMENDATION - Application Refused		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Catesby Strategic Land Ltd & The Master Fellows & Scholars of The College Of Saint John The Evangelist In The University Of Cambridge AGENT Savills
DECISION DUE DATE 30/04/24		PUBLICITY EXPIRY DATE 17/04/24

Supplementary Delegated Report

The above outline planning application was refused under authority delegated to the Head of Development Management on 29th April 2024. There are 6 grounds for refusal as set out below:

- The proposed development would erode openness and cause unacceptable harm to the character and appearance of the rural area which lies in the Low Weald Landscape of Local Value. The harmful development would be particularly visually prominent due to site topography and the site being elevated above Moat Road. The proposed urbanising form of major development in an edge of settlement location would be visually harmful to the setting of Headcorn and its Conservation Area in its rural context on approach from the west. It would therefore significantly harm the character and appearance of the rural area contrary to NPPF para 135, 180 230 and Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and Policies LPRSA310, LPRSP14(B) and LPRSP15 of the Maidstone Borough Local Plan Review 2024.*
- The visual prominence of the development in the locality has not been adequately considered or respected in the design, layout and form of the development. The indicative sizes and number of dwellings and associated hardstanding, the access, external lighting and the engineering alterations to a significant length of Moat Road will result in a layout and siting of built development of a suburban form extending into the rural landscape, significantly harming its character. 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. There are inadequate landscape buffers within and across the site to break up the massing and roofscape. The development is contrary to NPPF para 135 and 180 and policies SP17, DM1, DM8 and DM30 of the Maidstone Borough Local Plan and LPRSA310, LPRSP9, LPRSP15, LPRQD2 of the Maidstone Local Plan Review 2024.

- 3. The demolition of the curtilage listed former Granary (Building 3) is contrary to the NPPF and Maidstone Borough Local Plan 2017 policies SP18 and DM4 and to LPRSP14(B) and LPRENV1 of the Maidstone Borough Local Plan Review 2024. There is substantial harm from loss of a heritage asset with no justification or mitigation for the loss with the absence of a satisfactory replacement structure that reuses any of the materials from Building 3.*
- 4. There is a lack of community gardens and an inadequate amount of natural and semi-natural open space in terms of public useability because the attenuation basins have not been demonstrated to be wet ponds and ecological habitat/mitigation areas would not be publicly accessible. Therefore, the proposal has not been demonstrated to comply with policy DM19 of the Maidstone Borough Local Plan 2017 or LPRSA310, LPRSP13 and LPRINF1 of Maidstone Borough Local Plan Review 2024.*
- 5. There has not been a demonstration of safe pedestrian and cycle access when vehicles will use the Secondary Access route to the A274 during major flood events. There has not been demonstration of safe cyclist access to the A274 via the alterations to Moat Road. This would be contrary to the aims of sustainable development by securing good walking, wheeling and cycling infrastructure as set out in the National Planning Policy Framework, the objectives of Active Travel England, Policies SS1, SP17, SP23 and DM1 of the Maidstone Borough Local Plan and policies LPRSA310, LPRSS1, LPRSP12 and LPRSP15 of the Maidstone Borough Local Plan Review 2024.*
- 6. The development will result in significant additional pressure on Kent County Council infrastructure including primary and secondary education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority. This is contrary to policy ID1 of the Maidstone Borough Local Plan 2017 and policy LPRSP13 of the Maidstone Borough Local Plan Review 2024.*

On 8th October 2024, an appeal was lodged against the refusal of the application and this is due to be heard by a Public Inquiry commencing on 26th February 2025.

When the decision was made the Council's Local Plan Review (LPR) had been adopted just under 6 weeks earlier on 20th March 2024. As such the decision fell within the 6 week judicial review period for the new LPR and so an assessment of the application was made under policies from both the previous Maidstone Borough Local Plan 2017 (LP17) and the LPR.

In this respect, much of reason for refusal 1 and aspects of reason 2 are based on the LP17 position of the site not being allocated for development in the LPR.

In order to provide clarity to the Public Inquiry, the reasons for refusal should be updated/amended to reflect the current position of the Development Plan comprising the LPR.

The main changes are reasons for refusal 1 and 2 which have been consolidated. They do not add any additional grounds but remove elements that were relevant to the LP17 and the site not being allocated; and provide greater clarity on the

relevant policies and specific criteria in the LPR in dispute and relevant NPPF paragraphs.

Regarding the setting of the Conservation Area referenced under reason for refusal 1, this position has been reviewed with the Conservation Officer following submission of this appeal and it is considered the LPA should not pursue this ground as it is not considered the proposals would cause a level of harm to the setting of the Conservation Area that warrants a ground for refusal.

For reasons 2-5, the changes are providing clarity on relevant policies and their specific criteria, specific NPPF paragraphs, and the removal of references to any LP17 policies.

The updated reasons for refusal (now 5 in total) are set out below.

RECOMMENDATION – Amend Reasons for Refusal as follows:

1. 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 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 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 1b), LPRSP15 (parts 2, 6 and 7) and LPRSA310 (parts 7 and 8) of the Maidstone Borough Local Plan Review 2024.
2. The demolition of the curtilage listed former Granary (Building 3) is contrary to the NPPF paragraphs 206(a) and 207, and policies LPRSP14(B) (parts 2 and 4) and LPRENV1 (parts 1 and 4) of the Maidstone Borough Local Plan Review 2024. There is substantial harm from loss of a heritage asset with no justification or mitigation for the loss with the absence of a satisfactory replacement structure that reuses any of the materials from Building 3.
3. There is a lack of community gardens and an inadequate amount of natural and semi-natural open space in terms of public useability because the attenuation basins have not been demonstrated to be wet ponds and ecological habitat/mitigation areas would not be publicly accessible. Therefore, the proposal has not been demonstrated to comply with policies LPRSP13 (parts 2 and 8(c)), LPRSA310 (parts 25 and 26), and LPRINF1 (parts 1 and 2) of Maidstone Borough Local Plan Review 2024.
4. There has not been a demonstration of safe pedestrian and cycle access when vehicles will use the Secondary Access route to the A274 during major flood events. There has not been demonstration of safe cyclist access to the A274 via the alterations to Moat Road. This would be contrary to the aims of

sustainable development by securing good walking, wheeling and cycling infrastructure as set out in the NPPF paragraphs 108(c), 110(d), 114(a)(b), 116(a)(c), the objectives of Active Travel England, and policies LPRSP12 (part 3(b)(e)(k)), LPRSP15 (parts 1 and 11), and LPRSA310 (parts 18 and 20) of the Maidstone Borough Local Plan Review 2024.

5. The development will result in significant additional pressure on Kent County Council infrastructure including primary and secondary education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority. This is contrary to policy LPRSP13 (part 1) of the Maidstone Borough Local Plan Review 2024.

Case officer	Date:
PRINT NAME: Richard Timms	11/11/24

Delegated Authority to Sign:	Date:
PRINT NAME: Rob Jarman	13/11/24

Appendix 2

LPA/Agent Email re.
Education Financial Contributions

Richard Timms

Subject: Moat Rd, Headcorn Appeal (Education Contribution)

From: Guy Dixon <GDixon@savills.com>
Sent: Monday, November 11, 2024 9:08 AM
To: Richard Timms <RichardTimms@maidstone.gov.uk>
Cc: victoriag@catesbyestates.co.uk; Philippa Robinson - Planning <philippa.j.robinson@savills.com>; Marion Geary <MarionGeary@Maidstone.gov.uk>
Subject: RE: Moat Rd, Headcorn Appeal (Education Contribution)

Dear Richard,

My apologies for the delay in coming back to you, I'm afraid I have been off for a few days with the flu. I can confirm that I have heard back from my clients and they have agreed to pay the S106 education contributions which have been sought.

Kind Regards,
Guy.

Guy Dixon BA(Hons) DipTP MRTPI
Director
Planning



Savills, Runway East - York and Elder, 50 New England Street, Brighton, BN1 4AW

Tel: +441273200098
Mobile:
Email: GDixon@savills.com
Website: savills.co.uk

From: Richard Timms <RichardTimms@maidstone.gov.uk>
Sent: Monday, November 11, 2024 9:04 AM
To: Guy Dixon <GDixon@savills.com>
Cc: victoriag@catesbyestates.co.uk; Philippa Robinson - Planning <philippa.j.robinson@savills.com>; Marion Geary <MarionGeary@Maidstone.gov.uk>
Subject: RE: Moat Rd, Headcorn Appeal (Education Contribution)
Importance: High

Dear Guy

I urgently need a response on this please with our SoC due on 19th.

To reiterate, my reading of the SoC (paras. 6.77/6.78) is that the appellant is agreeable in principle to a financial contribution towards primary, secondary, and SEND education – please confirm this is correct?

Regards

Richard Timms MRTPI
Principal Planning Officer
Development Management
Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ
t: 01622 602325 **w:** www.maidstone.gov.uk

From: Richard Timms
Sent: Friday, October 18, 2024 2:13 PM
To: GDixon@savills.com
Subject: Moat Rd, Headcorn Appeal (Education Contribution)

Dear Guy

Following our telephone call, and re. reason for refusal 6, can you clarify if the appellant is agreeable in principle to a financial contribution towards primary, secondary, and SEND education please?

My reading of the SoC (paras. 6.77/6.78) is that they are but they question it in terms of some the schools referred to by Kent County Council.

KCC's request at the time of the application would total around £1.24m for 110 houses by my calculations.

At this stage I'm just trying to establish whether this reason for refusal could potentially fall away if a contribution was agreed under a s106.

Regards

Richard Timms MRTPI
Principal Planning Officer
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