



Planning Services
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent, ME10 3HT

4 August 2015

Dear Sir or Madam

Planning Application 15/504264/OUT – Proposed Development of land at Perry Court Farm, Faversham

As you will know, CPRE Kent is the Kent Branch of the Campaign to Protect Rural England which is part of the national CPRE charity. It is our objective to retain and promote a beautiful and thriving countryside that is valued by everyone and we believe the planning system should protect and enhance the countryside in the public interest for the important contribution it makes to peoples' physical and mental wellbeing, as well as its vital role in feeding the nation. It is our position that local planning authorities should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

We have looked very closely at this application and the supporting documentation, and we are familiar with the site. For the reasons we explain in this letter we consider that the application should be **refused** permission.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless other material planning considerations indicate that a different decision should be made. This plan-led approach to development is endorsed and enshrined in the National Planning Policy Framework (NPPF - e.g. as explained in paragraph 196). Consequently, the saved policies in the adopted Swale Borough Local Plan (SBLP) 2008 will comprise the primary consideration, though the NPPF and the emerging new Local Plan (submitted for examination in April 2015) will be important material considerations.

We consider that the relevant saved policies in the adopted Local Plan remain up-to-date as they are consistent with the policy objectives of the NPPF, as we highlight in our detailed comments below.

The Kent Branch of the Campaign to Protect Rural England exists to promote the beauty, tranquility and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

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The application is a deliberate attempt to pre-empt and undermine the emerging Local Plan, and thus the plan-led approach, by seeking to secure the development of a site that is not allocated for development in the adopted Local Plan and which has been rejected by the Council for inclusion in the new Local Plan. We are very concerned that the justification for the development, as presented in the applicants planning statement, seeks to pre-determine matters that are being considered through the Local Plan process, and to pursue matters that should be dealt with through the plan making process and at the forthcoming examination in public. Indeed much of the case presented comprises objections to the Local Plan not a justification for this application, and the Council should not be swayed by these arguments in considering the application.

Given the advanced state of preparation of the Local Plan we consider that the application should be refused for being premature. The National Planning Practice Guidance (NPPG) clarifies the circumstances in which prematurity can be used. This guidance can be found at Reference ID: 21b-014-20140306 and states that:

“...in the context of the Framework [the NPPF] and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

It is clearly the case that the Council can satisfy both of these conditions. With regard to a) the application comprises substantial development and conflicts with the spatial strategy of the new Local Plan and the selection of strategic sites included in the Plan. Approval would clearly predetermine decisions about the scale and location of development at Faversham that are most appropriately made through the Local Plan process. The proposed development in this application is of such a scale that if approved it would undermine decisions on the new Local Plan in a fundamental way. It would also deprive residents and other interested parties of any meaningful input on these matters of central importance to the Plan.

With regard to b) the emerging plan is at an advanced stage, with the Plan now submitted for public examination. This is highlighted in the NPPG as being the necessary 'advanced stage' that would justify invoking refusal on grounds of prematurity.

In making our specific comments on this application below, we are mindful of the appeal against non-determination on application 14/506248/OUT in regard to land at Swanstree Avenue, Sittingbourne, and the council's decision on 23 July 2015 that it would have refused the application. We consider that there are strong parallels between that application and this one, and that similar issues are raised. We would highlight in particular the following issues:

Location and Sustainability

The site is detached, and some distance from, the defined built-up-area of Faversham as defined on the Proposals Map of the SBLP. It would see built development extend southwards to the M2 Motorway, extending to nearly 1km distant from the defined built-up boundary. In policy terms, the proposal comprises significant and large scale development in the open countryside contrary to the provisions of saved Policy E6 of the SBLP. The fact that it is located next to the Abbey School does not make the proposal any more acceptable when considered against Policy E6. The school was specifically excluded from inclusion in the built-up area, and has been in several iterations of the Local Plan.

In paragraph 8.16 of their planning statement the applicant claims that "*development at Perry Court will reinforce the compact settlement pattern of Faversham*". Further, in paragraph 8.16 they claim that the site is in a location that has 'urban fringe' influences. These comments are weak justifications for development in this location. We fail to see how a site, significantly detached from the existing defined settlement boundary, would contribute to the current compact nature of the town. It is an illogical and arbitrary incursion of the town into the open countryside. The site itself is clearly undeveloped countryside, and not semi-developed 'urban fringe' land.

The detached location of the site also makes the site an unsustainable location for development in terms of its relationship to the services that residents will need to access in Faversham. Indeed the Council's draft Strategic Housing Land Availability Assessment (SHLAA – 2011-2012) concludes that the site is "*remote in terms of access to services.*" Consequently, it will inevitably mean that access to local services will be achieved primarily by use of the private motor car. In particular the need to cross and negotiate the increasingly busy A2 to gain access to the railway station and town centre will militate against pedestrian and cycle use. Consequently, the site would not help to promote the use of sustainable modes of transport, especially walking and cycling, as demanded by paragraph 35 of the NPPF, Policy SP1 of the SBLP and Policy DM6 of the submitted Local Plan.

The NPPF seeks to ensure that development is sustainable, and it explains in paragraph 7 that sustainable development has three roles – economic, social and environmental. Paragraph 8 goes on to explain that these three roles should not be undertaken in isolation, and that sustainable development is achieved by ensuring that economic, social and environmental gains are sought jointly and simultaneously. This proposal does not comprise sustainable development in accordance with these requirements of the NPPF. The proposal fails to bring the necessary environmental gains demanded of sustainable development, and in fact results in environmental losses.

The site comprises some 30 hectares of greenfield land. It is the policy of the SBLP, as expressed in saved policies SP1, SP4 and FAV1, that the amount of greenfield land needed for development should be kept to the minimum in order to promote efficient use of previously-developed land. This echoes the Core Planning Principle listed in paragraph 17 of the NPPF which seeks to:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

This is reiterated in paragraph 111 of the NPPF.

The submitted new Local Plan also embraces this principle, which in point 11h of Policy ST1 sees the use of previously developed land as one of the key components in delivering sustainable development in the Borough. The approval of this application would undermine the Council’s ability to achieve this important planning principle, and environmental gain, by pre-empting strategic decisions on the location of future major development in the Borough generally and at Faversham in particular.

The Site also comprises land that is in agricultural (arable) production. The Natural England mapping of agricultural land shows all the land on the southern side of the A2 at Faversham as being grade 1 in quality¹. Such land is defined as being excellent quality agricultural land where there is no or very minor limitations to agricultural use. It enables a very wide range of agricultural and horticultural crops to be grown, including top fruit, soft fruit, salad crops and winter harvested vegetables as well as the more usual crops. Yields are high and less variable than on land of lower quality.

Chapter 15 of the applicants Environmental Statement presents a more detailed assessment of agricultural land quality, and a plan presented at Figure 15.1 shows the site as comprising a mixture of grades 1, 2 and 3a land. Whatever the precise mix of land quality, in terms of policy the site comprises ‘best and most versatile’ agricultural land, which is the most valuable for agricultural production.

¹ See: <http://publications.naturalengland.org.uk/file/128043>

Food security and maintaining the ability to feed a growing population is an increasingly important national and social issue, meaning that giving up precious high quality land for development should be robustly justified. This is why national planning policy seeks to protect such land and to steer development to land of lower quality. This is explicitly explained in paragraph 112 of the NPPF, which states:

“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

Point 11g of Policy ST1 of the submitted Local Plan echoes this requirement.

Further guidance on using agricultural land is provided in Policy DM31 of the emerging Plan, which states:

“Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

- 1. The site is allocated for development by the Local Plan; or*
- 2. There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and*
- 3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.”*

The proposal does not comply with this Policy. Even if it is accepted that there is an overriding or necessary need for development, as claimed by the applicant, the proposal does not meet any of these requirements. With regard to Policy DM31, the site is not allocated for development; alternative strategic sites are proposed by the Borough Council at the Oare Gravel Works, Love Lane and at the Western Link which have been assessed as more sustainable options²; and the applicant has not provided any assessment as to how the loss of this site would affect the viability of the remainder of the farm holding.

Therefore, by virtue of its detached location in the open countryside and the significant loss of best and most versatile agricultural land, the proposal does not comprise sustainable development as required by the NPPF. It fails to ensure the most effective use of land to meet the future development needs of Faversham and it involves the use of land of best and most versatile quality when alternative land of lower quality is available. The loss of this high quality agricultural land will be an environmental, economic and social loss. Consequently, the proposed development

² As assessed in the Sustainability Appraisal accompanying the Local Plan

is contrary to paragraphs 8, 17, 111 and 112 of the NPPF; saved policies SP1, SP4 and FAV1 of the SBLP; and policies ST1 and DM31 of the submitted Local Plan.

Furthermore, because it does not comprise sustainable development, the 'presumption in favour' of sustainable development, as outlined in paragraph 14 of the NPPF, does not come into play.

Character of Faversham and its Landscape Setting

Faversham is a small historic market town contained by the A2 to the south, the Western Link to the west, Love Lane to the east and by the Swale estuary and marshes to the north. Consequently, it is a town with clearly defined edges and a clear distinction between built development and the surrounding countryside. Consequently, unlike other less well defined towns, it has not suffered from suburban sprawl, which this application would comprise and further encourage south of the A2. A particular defining feature of the town is that the A2 runs along its edge, rather than through its centre. The town sits entirely to the north of this busy road, which is a strong defining boundary which has stood the test of time. We totally refute the claim made by the applicant that the 'clear boundary' to the town is provided by the M2 (see paragraph 8.16 of the applicant's planning statement). This view is pure expediency on their part to justify an inappropriate development, and it is a view that would be rejected by anybody who truly knows and cares about Faversham.

Faversham is a town that has strong links with the surrounding countryside, not least because of its rich agricultural heritage and association with brewing. Nestling alongside the creek and confined almost entirely to low lying land it is barely perceptible in views from surrounding areas. This application will see major development on rising land, completely alien to the character of the existing town.

The surrounding countryside helps define the character of Faversham and provides its setting. The application site comprises a large open area and forms part of this countryside setting and it provides the rural approach to the town along Brogdale Road, which is primarily undeveloped as it approaches the town from Brogdale just to the south of the M2 Motorway.

As shown in the Swale Landscape Character and Biodiversity Supplementary Planning Document (SPD) 2011, the site together with the other land south of the A2 falls in the Faversham and Ospringe Fruit Belt character area. This character area extends further to the south, beyond the M2 Motorway, and links into the designated North Downs Special Landscape Area (SLA) and the Kent Downs Area of Outstanding Natural Beauty (AONB). Despite the Motorway it provides a continuity of landscape type southwards from the A2 into the SLA and AONB. It is a landscape described as being in good condition. The link between town and country provided by this character area is clear from the footpath that crosses the application site, which despite its closeness to the town is fundamentally rural in appearance and character. It provides an area of tranquillity and amenity for the many people that use and enjoy the footpath.

The Inspector who held the inquiry into the now adopted SBLP considered a number of proposals for development of land south of the A2, and rejected them all, largely on the basis that the A2 provided a strong barrier/boundary to the town. As the Inspector explains in paragraph 109.3 of his report when considering proposed development at the Abbey School “... *the A2 itself is a very strong physical boundary forming a logical and defensible edge to the urban area of the town adjoining it to the north.*”

The Inspector recognised that to the south of the A2 the character was distinctly rural and open, for example at paragraph 129.8 of his report he said:

“In my conclusion there is a very distinct change in the character of the area when the A2 is crossed from the north. A sense of openness and space prevails.”

The development of this open site, as proposed in the application, will have a profound effect on the countryside and landscape setting of Faversham in this location. It will introduce built development into an area which currently has a continuity of landscape type from the town to the AONB, and it will sit on the bottom of the gentle dip slope of the Downs. This landscape provides a direct link between town and country that successive local plans have sought to maintain as an integral part of the development strategy for Faversham; a strategy that the emerging new Local Plan seeks to retain, and which the applicant has no time for.

Development Needs

The application proposes a range of development, but essentially it is being promoted on the basis of the employment and housing benefits that it would bring to the town. Importantly, the application is predicated on the applicant’s dislike of the proposals in the submitted Local Plan for employment and housing development and the council’s rejection of the application site. Fundamentally, the application is seeking to pre-empt the proper consideration of the future development needs of Faversham through the Local Plan process by asserting that there is an urgent need to boost housing supply in Faversham, and in the Borough as a whole. In particular the application is being ‘legitimised’ by the applicant’s claim that the Borough does not have a five year housing land supply as demanded by paragraph 47 of the NPPF.

This, though, is a simplistic argument that fundamentally fails to understand the longstanding spatial strategy for development in Swale, which is hardly acknowledged in the applicant’s supporting material. It is simply disregarded.

Over the last twenty years successive local plans have focused development in the Thames Gateway part of the Borough rather than at Faversham. At Faversham the strategy has been one of restraining development because of the historic character and countryside setting of Faversham. This difference in strategic approach is articulated in policies TG1 and FAV1 of the adopted SBLP. The emerging Local Plan seeks to continue this strategy, and to promote what is described as organic growth

at Faversham, i.e. *“gradual growth, not forced, artificial or overwhelming”* (see paragraph 4.3.83 of the submitted Local Plan). The application fundamentally seeks to undermine this strategic approach to development at Faversham.

By invoking the five year land supply issue, the applicant is seeking to remove these spatial strategy considerations by focusing attention on the Borough-wide situation. It is a deliberate attempt to circumvent the strategic approach to development at Faversham. However, the Council should not succumb to this pressure, as paragraph 17 of the NPPF has a Core Planning Principle which accepts that it is appropriate *“to take account of the different roles and character of different areas.”* This enables the Council to consider this proposal in the context of the spatial strategy for Faversham.

Planning for housing provision in the Borough reflects this spatial strategy. In the adopted SBLP the housing target for Faversham is 1,000 dwellings over the period 2001 to 2016 (as explained in paragraphs 2.87 and 4.81 of the Plan). The South East Plan, which similarly distinguishes between Faversham and the Thames Gateway, sets a housing target of 700 dwellings for the Faversham area over the period 2006 to 2026 (see Policy EKA3). These currently remain the agreed housing targets for Faversham.

From information provided to us by the Borough Council, completions between 2001 to 2013 amount to 1,160 dwellings. As at 31 March 2013, extant planning permissions stood at 249 dwellings whilst a further 60 dwellings have been permitted since 1 April 2013 (by the end of January 2014). The target of 1,000 dwellings to 2016 set in the adopted SBLP has therefore already been met and exceeded.

In regard to the South East Plan housing target, the same figures supplied to us by the Council show that 643 dwellings were completed in the Faversham area between 2006 and 2013. This, together with the extant permissions shown above, means that the South East Plan target for Faversham has also been met and exceeded.

It is clear, therefore, that the targets set for Faversham in the adopted SBLP and in the South East Plan have already been met and exceeded. Consequently it is difficult to see why there is an urgent need to boost housing land supply in Faversham now, as claimed by the applicant. This will be done through the Local Plan, having regard to objectively assessed need and the time horizon of the plan in accordance with the requirements of the NPPF.

With regard to calculating the five year land supply, we note that the Council accept that it does not currently have a five-year supply. This is explained in the report to Planning Committee of 23 July 2015 in regard to application 14/506248/OUT. However, this assessment relies on the Kent County Council (KCC) assessment as presented in the Housing Information Audit (HIA) as of 2013/14. However, this assessment is questionable for two reasons:

1. It is out-of-date, being based on the housing land supply situation as of March 2014. Whilst housing land supply for 2014/15 has not yet been published by KCC

in an up-dated HIA, it has been collected. Crucially, up-dated information will reflect more recent planning decisions made which are intended to boost the housing land supply situation, for example the approval given to the Love Lane site in Faversham.

2. Secondly, paragraph 48 of the NPPF allows windfalls to form part of the five year supply if there is *“compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.”* The Council’s Strategic Housing Land Availability Assessment (SHLAA) concludes that data shows that there is compelling evidence that such sites have consistently become available over a long period of time. However, no allowance is made in the five year supply calculation for windfalls.

We consider, therefore, that to rely on the KCC 2013/14 HIA to determine the five-year housing land supply situation is unsound. Up-dated housing land supply information should be used, which should include an allowance for windfalls.

Notwithstanding this, as we explain above, the housing target for the Faversham area – as required by both the adopted Local Plan and the SE Plan - has already been met and exceeded. Therefore, even if the applicant is right that there is a short fall in the five year supply, this is because of failure in the Thames Gateway part of the Borough and not because of any failure in delivering in the Faversham area. As paragraph 4.2.39 of the submitted Local Plan explains:

“...when a Borough shortfall occurs as a result of significant non-delivery within the Swale Thames Gateway area, the variances in policy emphasis between the two sub-areas will mean that there will be no 'in-principle' acceptance of major replacement/additional development at the Faversham planning area.”

This underlines the importance of the spatial strategy and why it is important that *“the different roles and character of different areas”* must be taken into account, in accordance with paragraph 17 of the NPPF.

Transport Issues

There are a number of transport issues that we would raise:

A251/A2 Junction: The applicant states in paragraph 1.6 of their planning statement that *“as part of the off-site highways works proposed, a signalised junction is to be provided...”* at the junction of the Ashford Road (A251) and the A2. This is elaborated on elsewhere in the supporting information and plans of the proposed improvement are shown. This is seen by the applicant as a significant gain arising from the development. However, it is our understanding that this scheme is already being progressed by the County Council and that it is needed to address current transport congestion issues, not traffic issues arising from the application site.

Furthermore, following public consultation on options, the Swale Joint Transportation Board (SJTb) on 9 June 2014 agreed the roundabout option for the junction, not the

signalised option promoted by the applicant. At its most recent meeting, on 8 June 2015, the SJTB received an up-date report on the highways work programme for 2015/16. This stated:

“Detailed design work is being commissioned with Amey Consultants. It is anticipated that the designs will be completed by March 2016. Additional land is required from the Fire Station and the School. This will be progressed with the detailed design. Pending approval of detailed design, land acquisition and funding being available, implementation could commence in 2016/17.”

It is our understanding that this is a highway scheme to be funded through the Local Transport Plan, and is not dependent on developer contributions. Consequently this should not be seen as a highway improvement that would not otherwise be provided; it is already in the pipeline. However, it will be the case that the proposed development will add to the congestion experienced at this junction and may render the planned improvement ineffectual.

Brogdale Road: One of the two access points to the site will be on Brogdale Road. This is described as the secondary point of access, with the main point of access being onto the Ashford Road (A251). However, with all the development areas linked by the on-site road network (see Fig 3.2 ‘Development Masterplan’ in the applicant’s planning statement) is it impossible to say with certainty what access point will be used by residents, workers and visitors as the ‘main’ point of access. Indeed, around a third of the proposed housing development is located on the Brogdale Road side of the site (areas A1, A2 and A3) and they will inevitably use this as the main access point.

However, it will be the case that the introduction of a junction on Brogdale Road, together with the physical presence of the development itself, will have a significant urbanising effect on the road. At the current time it is essentially a rural road that provides the link to Faversham for a number of rural communities to the south.

As a result of this development, between the A2 and the M2 the character of Brogdale Road will fundamentally change to one that is urban in character. However, along this stretch of the road it is already difficult (and dangerous) for cars to pass and without ‘pulling in’ it is impossible for a car and a larger vehicle to easily pass. In our view it is a sub-standard road to be used as an access point for this major development, secondary or otherwise.

Impact on the A2: Clearly traffic from this site will feed onto the A2 at both Ashford Road and Brogdale Road. The A2 is a road that is already operating at above capacity especially, but not entirely, at peak hours. It also experiences high levels of diverted traffic when there are issues with the M2 Motorway. As explained above, improvements to the A251/A2 junction are currently being considered by the County Council, though these are improvements are intended to deal with current capacity issues. There is the real risk that this development will simply return the road to the current situation after the improvements have been made, in effect removing the benefit that they provide.

No traffic controls are proposed for the junction of Brogdale Road and the A2. Queuing at this junction is already a problem at peak times due to the amount of traffic on the A2 and, in particular, it is difficult turning right onto the A2. The development will increase the queuing at this junction due to additional traffic from the site. This will inevitably lead to even more rat-running by traffic through residential streets to avoid the queuing on the A2 and/or to gain access to Faversham town centre – e.g. via Upper St. Ann’s Road, Egbert Road, Canute Road, Ethelbert Road, Athelstan Road and Kingsnorth Road. It is already common practice for vehicles to turn left out of Brogdale Road and then right into Upper St. Ann’s Road to avoid the queuing traffic of the A2. It will also be likely that there will be rat-running through the site itself as people look for a short-cut to the Motorway from Brogdale Road to avoid the A2.

Impact on Air Quality: The stretch of the A2 through Ospringe, roughly that part of the road falling in the Ospringe Conservation Area, has been designated an Air Quality Management Zone. The designation, made in 2011, was made because of the heavy traffic volumes using the A2. We believe that this development will increase the air quality problem at Ospringe as a result of more traffic on the road.

Sustainable Transport: As we have explained already, development in this location militates against sustainable transport options. It is poorly served by public transport, and the A2 acts as a strong barrier to pedestrian and cycle movements. We note the positive comments made by the applicant about the provision of pedestrian and cycling links, but we do not believe that these will actually help to facilitate pedestrian and cycle movements in any meaningful way.

Listed Building

The Malthouse and Oasthouse at Perry Court Farm is a grade 2 listed building. This is described in the listing as *“a fine building of its kind”*. As a farm building its association historically is with the surrounding countryside and farmland, and whilst some residential development/conversion has occurred within the farm complex this historical association currently remains. The building is clearly seen in views from the farmland to the north and east and it is caught in glimpses through the hedgerow as one travels along Brogdale Road towards Faversham. It is particularly visible from the foot path that crosses the site. This all provides the setting and context of the building, and the proposed development will remove this and thus undermine the listed building designation.

The NPPF stresses the need to have regard to the setting of heritage assets, for example in paragraphs 128, 129 and 132. Policy E14 of the SBLP and Policy DM32 of the submitted Local Plan also seek to protect the setting of listed buildings, in compliance with the NPPF. The proposed development does not preserve the setting of the listed building, and so is contrary to these policy objectives.

Application SW/13/1567

This outline application for 63 homes on a site off Brogdale Road was allowed on appeal in May 2015. However, the Council should not take this decision as setting a precedent for further development south of the A2, as each application must be considered on its own merits. The Inspector's conclusions on the Brogdale Road application cannot automatically be taken to apply to the Perry Court site. There are stark differences between the two applications, not least the size and nature of the development proposals. It is also the case that the Brogdale Road application at least adjoined the built-up area boundary whereas the Perry Court Application is detached from it, with development proposed much further to the south of the A2.

Conclusion

In conclusion, and in part echoing the reasons why the Council resolved to refuse planning application 14/506248/OUT, the application should be refused because:

1. In accordance with the NPPG (Reference ID: 21b-014-20140306) it is premature given the advance stage of preparation of the new Local Plan and the strategic scale of the development proposed.
2. The proposed development fails to recognise the different roles and character of the different areas of Swale as set out in policies TG1 and FAV1 of the adopted SBLP, contrary to paragraph 17 of the NPPF.
3. The proposed development, due to its location, scale and form, will not represent sustainable development as it fails to seek positive improvements across the three dimensions as required by paragraphs 7-9 of the National Planning Policy Framework 2012. Furthermore, notwithstanding the lack of availability of a 5-year supply of housing land, in accordance with paragraph 14 of the National Planning Policy Framework 2012, the proposals do not achieve the presumption in favour of sustainable development as the adverse impacts of development would significantly and demonstrably outweigh any benefits as a result of:
 - (i) The likely significant adverse impacts on the landscape character, quality and value (including the contribution made by tranquillity and the amenity value) of accessible countryside close to the urban area, as well as on the visual amenity enjoyed by users of the local public rights of way network;
 - (ii) The significant, permanent and unnecessary loss of best and most versatile agricultural land (including its economic and other benefits);
 - (iii) Air pollution from vehicle emissions, particularly nitrogen dioxide, resulting in cumulative air pollution levels that would be inconsistent with the local air quality action plans for the Ospringe AQMA;

- (iv) Increased traffic congestions at the A2 junctions with Brogdale Road and the A251, and resulting rat-running through residential streets;
- (v) Poor walking routes to the town centre with no footways at junctions, dangerous cycle route to the town centre and infrequent bus service.

As a result, the proposals do not accord with the National Planning Policy Framework, being contrary to policies set out in paragraphs 14, 17, 35, 109, 111, 112 and 113, nor with the Development Plan, being contrary to policies SP1, SP2, SP4, SH1, FAV1, E1, E6, E7 and E9 of the Swale Borough Local Plan 2008, together with guidelines of the Swale Landscape Character and Biodiversity Appraisal 2011 SPD. The proposals are also contrary to emerging Development Plan policies ST1, ST3, ST7, CP2, CP7, DM6, DM24 and DM31 of Bearing Fruits 2031: The Swale Borough Local Plan April 2015.

- 4. Impact on the setting of the Grade 2 listed Malthouse and Oasthouse at Perry Court Farm, contrary to paragraphs 128, 129 and 132 of the NPPF, Policy E14 of the SBLP and Policy DM32 of the submitted Local Plan.

We trust that the Council will give full regard to the points we make in this response and that planning permission will be refused.

Yours sincerely



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Senior Planner
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Cc Peter Blandon, Chairman of the CPRE Swale District Committee