



Appeal Decision

Site visit made on 6 January 2025

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2025

Appeal Ref: APP/Z2260/W/24/3340996

Land South of Canterbury Road West, Cliffsend, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Monson Homes Limited against the decision of Thanet District Council.
 - The application Ref is F/TH/21/1671.
 - The development proposed is erection of 141 dwellings, with open space, landscaping, access and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 141 dwellings, with open space, landscaping, access and associated infrastructure at Land South of Canterbury Road West, Cliffsend, Kent in accordance with the terms of the application, Ref F/TH/21/1671, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development in the heading and paragraph 1 of this letter is taken from the decision notice. This is because it reflects a reduction to the number of dwellings proposed, which was made prior to the application being determined. I have considered the appeal as specified above.
3. The revised National Planning Policy Framework (Framework) and the 2023 Housing Delivery Test results were published in December 2024, after the Council made its decision. The appellant and the Council were given an opportunity to comment on any potential implications that these may have for the scheme.
4. The appeal is supported by a Statement of Common Ground prepared by the appellant, the Council and Kent County Council (KCC) during the appeal process. A legal agreement dated 8 January 2025 dated has also been submitted, with the planning obligations therein agreed. This has been varied by a deed dated 21 March 2025 in response to queries I raised during the appeal process. I have taken these into account in making my decision. The main issues identified below relate to the Council's remaining objections to the scheme.

Main Issues

5. The main issues are: (i) whether the site is an appropriate location for housing in respect of the Council's spatial strategy and accessibility to services, facilities and sustainable modes of transport; (ii) the effect of the proposal on best and most versatile agricultural land; and (iii) the effect of the proposal on the character and appearance of the area, with particular regard to the landscape.

Reasons

Location

6. The site comprises 5.9 hectares of agricultural land that forms part of a larger field to its west. A housing site allocated by the Thanet District Council Local Plan (LP) has recently been built out to the north, housing within the village confines of Cliffsend is to the east and the A299 is in a cutting to the south. The Thanet Parkway railway station is located on the other side of that road and much of the village is further south.
7. The Policies Map to the LP shows that the site is designated as countryside. However, LP policy SP01 makes clear that new housing should be focused in urban areas, with limited development allocated in villages such as Cliffsend. Furthermore, while LP Policy SP24 sets out circumstances where development on non-allocated sites in the countryside is permissible, none are relevant in this case. Consequently, the proposal conflicts with the spatial strategy.
8. Turning to accessibility, the railway station can be reached by means of a public right of way that runs beside the site and over a tunnel that accommodates the A299. The public right of way partly takes the form of a combined foot and cycleway and features streetlights. Although there are significant level changes along it, many occupiers of the proposed housing would likely find the station readily accessible on foot or by cycling. It is common ground between the main parties that the station provides hourly services to destinations such as Margate and London St Pancras. Additionally, the nearest bus stops are only a short walk away and services to sizeable settlements reportedly run regularly.
9. The main parties also agree that a convenience shop is located within a 10 minute walk. A small number of other amenities in the vicinity, such as a village hall and a café. However, concerns have been raised that the majority of the village is accessible only via Foads Hill, which features a level crossing followed by a short and narrow section of carriageway without a dedicated footway. The proposal would lead to an increase in the number of highway users travelling along it to access local amenities. However, it is subject to a 20 miles per hour speed limit, wide enough for vehicles to pass pedestrians, and relatively straight such that it offers good forward visibility despite varying land levels. Notably, there have been no crashes recorded in the locality despite existing residents and purportedly increasing numbers of school children walking or cycling the route. As such, the arrangement is acceptable in highway safety terms.
10. I therefore consider it likely that many of the occupiers of the proposed housing would walk or cycle to local amenities and that the site benefits from good access to public modes of transport. Accordingly, the site is an appropriate location for housing in terms of accessibility.
11. Paragraphs 83 and 110 of the Framework specify that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. While the site would likely be particularly attractive to rail commuters, occupiers of the proposed housing would nevertheless likely spend money on the amenities in Cliffsend given my commentary on accessibility above. In these ways the proposal's location benefits from support from the Framework.

12. The Council has explained that the development allocations in the villages are broadly proportionate to their sizes and the availability of local, easily accessible services. Having regard to this, it is put forward that Cliffsend is unsuitable for a significant level of housing growth and that the proposal would result in a substantial and disproportionate expansion of the settlement. Reference is also made to the Report on the Examination of the Thanet Local Plan, wherein the examining Inspectors found the scale of development envisaged for Cliffsend in the LP to be commensurate with its role and function.
13. The examining Inspectors' report was written from a strategic perspective for the purposes of assessing the overall spatial approach to the LP and thus relying on it to any great extent for determining the suitability of this windfall scheme would be misguided. The report also anticipated a 5 year supply of deliverable housing sites on adoption of the LP, but the Council alleges it can currently only demonstrate 3.25 years' supply. Furthermore, the latest Housing Delivery Test result shows that just 67 percent of the housing required over the measurement period has been delivered. The context for determining the appropriateness of the area for housing is clearly very different to what was envisaged in the examining Inspectors' report. Moreover, the amount of housing allocated and permitted in Cliffsend to date does not diminish the outstanding need for further housing in the district.
14. Drawing the above together, though the proposal is contrary to the Council's spatial strategy, the site offers good accessibility and its location benefits from support from the Framework. Moreover, a rigid application of the spatial strategy would only further frustrate the housing growth that the district requires. Consequently, the conflict with the spatial strategy and thus LP policies SP01 and SP24 should attract limited weight in the balance of considerations for this appeal.

Agricultural land

15. The appellant's Agricultural Land Classification and Soil Resources document identifies the site as comprising arable land within Agricultural Land Classification Grade 3(a), meaning it is of good quality but with moderate limitations, and the lowest grade of best and most versatile agricultural land in the terms of the Framework. A comparable site-specific exercise indicating otherwise has not been undertaken by another party and therefore I have no reason to disagree.
16. LP policy E16 sets out that significant development which would result in the irreversible loss of best and most versatile agricultural land will not be permitted unless specific criteria are satisfied.
17. One criterion requires that development will not result in the remainder of an agricultural holding becoming unviable or lead to likely accumulated and significant losses of high quality agricultural land. The remaining field would be around 23 hectares, its access would be unaffected, and it would be roughly rectangular such that it would continue to be farmable from a practicality perspective. Accordingly, there are no obvious indicators that there would be viability issues as a consequence of the development. However, as financial or other information has not been provided to demonstrate compliance with the criterion, the proposal conflicts with this criterion of LP policy E16.
18. Another criterion requires that there are no suitable sites of poorer agricultural quality that can accommodate the development. It is estimated that 95 percent of agricultural land in the district is of higher or the same quality, with the remaining

land near the River Stour unlikely to be suitable for housing due to flood risk. As such, it is likely that most greenfield development in the district would involve the loss of best and most versatile agricultural land. A range of other sites in the locality were also reviewed in the appellant's sequential assessment to reinforce this, with permission having been granted for development on higher quality land in several cases. Equivalent evidence to the contrary has not been provided, and I am satisfied that the site is amongst the lowest quality agricultural land available in the district. LP policy E16 is therefore complied with in this respect.

19. The remaining criterion requires the benefits of the development to outweigh the harm resulting from the loss of the agricultural land. I return to this following an appraisal of the scheme's benefits but, irrespective of this, there would be harm from the irreversible loss of the agricultural land and conflict with LP policy E16. There would also be conflict with the intentions of paragraph 187 of the Framework, which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of best and most versatile agricultural land.
20. Despite this, the Council does not contest analysis undertaken by the appellant which indicates that the economic benefits associated with the site's use for arable cropping is very limited, or that the country is largely self-sufficient in respect of the specific cereal crops produced. I see no reason to disagree. In addition, firm evidence indicating that the development would result in food security issues at either a local or higher level has not been provided. Furthermore, irrespective of whether the remaining field could be viably farmed, this matter should clearly be considered in the context that no sequentially preferable locations for much needed housing have been identified.
21. Accordingly, although the proposal would result in the loss of best and most versatile agricultural land, the harm and the corresponding conflicts with LP policy E16 and paragraph 187 of the Framework attract modest weight.

Character and appearance

22. The main parties agree that the proposed scheme echoes the character of the housing to the north of the site. Moreover, the layout, density, scale and design of the housing are clearly comparable and compatible such that the schemes would appear as cohesive residential development. In that sense, the proposal would accord with the character and appearance of the area. However, the Council and others have concerns regarding the impact of the development on the character of the countryside, which fall to be considered as part of the effects of the proposal on the landscape.
23. Policy SP26 of the LP specifies that development should demonstrate how it respects and responds to the character, key sensitivities, qualities and guidelines of the landscape character areas detailed in the Council's Landscape Character Assessment. The policy also specifies that Thanet's local distinctiveness should be conserved and enhanced with reference to several of its attributes, including its island quality, sense of openness, and long-distance, open and seaward views.
24. The site is located within the Wantsum North Slopes/Shore Landscape Character Area (LCA) as described by the Landscape Character Assessment. Its key characteristics include sloping arable fields; a regular, rectilinear field pattern with

few defining boundary features between fields creating a large scale and open landscape; and sea views from elevated ground and cliff tops over Pegwell Bay and the English Channel. Among other things, the vision for the LCA entails conserving its managed farmland character, including opportunities to reinstate field patterns through hedgerow planting, and conserving its mostly open rural character and long interrupted views.

25. The site has obvious open and rural qualities as part of an arable field that faces and slopes southward to facilitate seaward views. Additionally, it can be seen in longer distance views, including from Canterbury Road West, the A299 and the A256 to the south-west. In these ways it reflects characteristics of the LCA and aspects of the district's distinctiveness more broadly.
26. The proposal is supported by a thorough Landscape and Visual Impact Assessment (LVIA). An updated appraisal of the potential effects of the proposal has also been provided at appeal following the construction of the housing to the north and the railway station terminal. These conclude that 15 years following the construction of the development, there would be no adverse landscape effects and at worst minor adverse visual effects from just one viewpoint. A comparable assessment to counter this evidence has not been submitted, nor has the Council expressly disputed it.
27. The northern part of Cliffsend adjacent to the site has suburban qualities derived in large part by the amount of housing present and the grid-like layout of Cliff View Road, Foads Hill and Sea View Road, meaning it does not present as a rural village. While the proposed properties and associated infrastructure would nevertheless largely erode the site's open and rural qualities, the built-up part of the scheme would be highly contained to the east, north and south by the settlement, the new housing and the southern part of the A299. The proposed dwellings would also be sited no further west than the recent scheme to the north.
28. The proposal's impacts on the LCA as a whole would be localised as a result of its containment, as well as the changing topography of the surrounding land. In any case, for the above reasons, additional housing adjacent to Cliffsend would not be incongruent. On the contrary, the proposal would constitute the logical consolidation of development at the edge of the settlement, rather than a disparate housing scheme in the countryside. Furthermore, in contrast with the rather abrupt western edge to the settlement currently, proposed public open space and landscaping would create a subtler and more natural transition to countryside.
29. The remainder of the field would continue to exhibit the LCA's characteristics, as well as maintain a sense of openness and provide for views towards Pegwell Bay and the English Channel. Seaward views would also be achievable beyond the development due to the site sloping downwards from Canterbury Road West. Additionally, given that the development would be compatible with its surroundings, it would not compete in or be uncharacteristic in the foreground of views towards the sea. Drawing these considerations together, there would not be unacceptable landscape character effects arising from the development.
30. The LVIA assesses the proposal from several viewpoints in detail, including from Canterbury Road West, the A299, the A256 and the public right of way. Again, the impacts would be localised and, from the majority of public viewpoints, the development would be seen against the backdrop of, alongside or near to existing

residential development and interpreted as a logical new edge to the settlement. From the A299 to the south, existing development would be less visible than from other perspectives, but the scheme's impacts would still be minor due to the significant changes in topography and existing and proposed landscaping and, in any event, views from there are not sensitive given its prevailing context is one of busy road infrastructure. In fact, the proposal would offer benefits insofar as it would screen the station from some viewpoints, which appears to be located somewhat incongruously amongst countryside in views from the site.

31. Overall, I concur with the appellant's updated appraisal, which finds that no significant visual effects would occur. Additionally, further to my views regarding the proposal's impacts on the spatial strategy, no harm would arise from the proposed increase in the amount of housing in the locality relative to the size of the settlement from a character and appearance perspective, given that the part of Cliffsend near the site has a suburban feel and there would be no significant adverse landscape effects.
32. A pre-commencement condition relating to the existing and proposed levels of the site and a further condition to require a detailed landscaping scheme to be approved would ensure that the landscape and visual effects of the development are as anticipated, in the interests of the character and appearance of the area. Replacement and maintenance of new planting could also be secured by condition to ensure that the impacts are acceptable and so the scheme becomes increasingly integrated into the surrounding landscape over time.
33. The Council has also recommended conditions for visual amenity purposes that would require samples of the materials to be used for the housing and details and specifications of the windows and doors to be submitted for approval. It is also put forward that such openings should be set within reveals of not less than 100 millimetres. However, such prescription would not be required to ensure the delivery of high quality homes, particularly as the materials and positions of the openings are already specified on the drawings.
34. The proposal would not have an unacceptable effect on the character and appearance of the area. In particular, the proposal would not have significant negative landscape effects overall or harm the local distinctiveness of Thanet. Hence it accords with LP policy SP26 in respect of landscape matters, as well as LP policy QD02, which sets out general design principles that aim to ensure that development promotes or reinforces local character. I also find no conflict with paragraphs 135 and 187 of the Framework in respect of this main issue, as the development would be sympathetic to the surrounding built environment and landscape, and there would not be unacceptable effects on the intrinsic character and beauty of the countryside from a character and appearance perspective.

Other Matters

Highway implications

35. The appellant's Transport Assessment and supplementary information document assess the highway impacts of the scheme comprehensively and the Highway Authority has no objection to it. The evidence indicates that following development the highway network would operate within capacity, with the proposal resulting in only modest increases in vehicular trips during peak times. In the absence of technical evidence to the contrary, I have no reason to conclude differently.

36. Vehicular access to the site would be gained from the new housing development to the north, which takes its access from Canterbury Road West. The part of that road in the vicinity of the site is subject to a 30 miles per hour speed limit and there are suitable carriageway alignments and visibility splays at the junction to safely serve both the existing and proposed dwellings. Additionally, emergency access to the site is proposed from Clive Road. It is sufficiently wide for this purpose and use of the access could be controlled by retractable bollards.
37. Having regard to the site's accessibility, an appropriate level of parking would be provided such that any parking on surrounding roads as a result of the scheme would not be excessive. Firm evidence indicating that there would be an issue with railway commuter parking has not been provided, but I see no reason to disagree with the Council's view that controls to prevent this can be secured by an agreement under Section 38 of the Highways Act 1980 if necessary.
38. In the event that the appeal is allowed, conditions to require the timely provision of the vehicular access, parking, turning areas, cycle storage and other highway infrastructure including the emergency access bollards would be needed for highway safety purposes. The implementation of an updated travel plan would also need to be secured by a condition to promote sustainable transport mode use. For the same reason, conditions to suitably incorporate the public right of way into the scheme and connect to the combined foot and cycleway would be required. The precise specifications for these could be addressed by the aforementioned landscape condition. A pre-commencement requirement for the approval of a Construction Environmental Management Plan would ensure that highway impacts associated with the construction process would be suitably mitigated.
39. Based on the evidence presented and my observations, the proposal would not create unacceptable impacts to highway safety and the residual cumulative impacts on the road network would be limited. The proposal would therefore be acceptable in respect of highway matters.

Infrastructure and affordable housing

40. The appellant, the Council and KCC agree that the legal agreement secures infrastructure necessary to support the scheme. It contains planning obligations consisting of contributions towards primary and secondary education, community learning and special educational needs and disability provision; social care; health, library and childrens services; household waste recycling centre capacity; and improvements to the Cliffsend Community Hall, the railway station and the public right of way. These are needed to address existing deficiencies and demand generated by the occupiers of the proposed housing. The costs of travel plan monitoring are also appropriately captured. In these respects, the tests for obligations at paragraph 58 of the Framework are satisfied. LP policy SP41 is also addressed, which states that development will only be permitted when provision is made to ensure delivery of relevant and sufficient infrastructure.
41. The legal agreement also secures 22 percent of the scheme, or 31 dwellings, as affordable housing. It identifies a preferred mix of such housing, but this is potentially subject to negotiation. LP policy SP23 specifies that major residential development should include 30 percent affordable housing, but it provides for reductions to this where demonstrably unviable. The appellant and the Council agree that 30 percent affordable housing cannot be viably provided, with the

evidence indicating that the scheme is at the limits of viability with 22 percent affordable housing together with the contributions identified. Hence, I consider that the proposal accords with the policy. Paragraph 58 of the Framework is also satisfied in respect of affordable housing considerations.

Ecology

42. The site is within the zones of influence of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thanet Coast and Sandwich Bay Wetland of International Importance under the Ramsar Convention (Ramsar), which are habitats sites in the terms of the Framework.
43. The SPA provides a variety of habitats that support large numbers of rare birds including its qualifying features – European Golden Plover, Ruddy Turnstone and Little Tern – albeit the latter have reportedly not bred since the 1990's. Among other things, its conservation objectives intend to ensure that the populations and distributions of these qualifying features are maintained or restored. The Ramsar is of geological importance and also features habitats for wetland invertebrates, terrestrial and marine plant species and birds also including Ruddy Turnstone.
44. Analysis and surveying undertaken as detailed in the appellant's Preliminary Ecological Appraisal, Breeding Bird Survey and Wintering Bird Survey and associated supplement, together with habitat regulations assessments prepared by both main parties, demonstrate that the site is of low ecological value, does not support the qualifying features and is not functionally linked to the SPA or Ramsar. Nevertheless, recreational activities such as walking, particularly with dogs, may disturb relevant species and habitats. Adopting a precautionary approach, likely significant effects may arise from these.
45. The Council's Strategic Access Management and Monitoring Plan (SAMM) has a strategic approach to avoiding and mitigating the impacts of recreation, such as through wardening, access management, signage and education that are funded by means of a tariff payable per new dwelling. The legal agreement secures a contribution in line with the tariff. The approach is now well-established and supported by Natural England. I therefore find that the contribution accords with paragraph 58 of the Framework, and the proposal would not adversely affect the integrity of the habitats sites. The proposal therefore complies with LP policy SP29, which requires adherence to the SAMM.
46. The appellant also suggests that the development would be in the zones of influence of, and may have likely significant effects on, the Thanet Coast Special Area of Conservation and the Sandwich Bay Special Area of Conservation (SACs). However, neither the Council nor Natural England have raised concerns about these and the SAMM indicates that the SACs overlap and have the same vulnerabilities as the SPA and Ramsar. This is reinforced by a Dover District Council document equivalent to the SAMM¹ which states that 'the mitigation measures required for the SPA will also ensure that there are no adverse effects on the integrity of both the SAC and Ramsar'. Taking into account the mitigation secured, I am satisfied that the SACs would not be affected.
47. The appellant's evidence indicates, and Natural England considers, that the scheme would not adversely affect other nature conservation sites or protected or

¹ Thanet Coast and Sandwich Bay SPA Strategic Access Mitigation and Monitoring Strategy (SAMM) September 2022

important habitats or species, subject to landscaping and mitigation such as a condition to control external lighting. In addition, wildlife enhancements and biodiversity net gain could be secured together with ongoing management of the site's open spaces and other landscaping by a condition to require the approval of a Landscape and Ecological Management Plan. There is nothing before me which indicates that the proposal would give rise to any other ecological issues. I consider that it complies with LP policy SP30, which seeks to conserve, enhance and manage biodiversity assets.

Other considerations

48. The positions of the proposed dwellings and boundary treatments would ensure adequate levels of privacy, outlook, daylight and sunlight for the occupiers of both existing and proposed dwellings. No obscure glazing or fixing shut of openings would be necessary. While the scheme is supported by a proposed boundary treatment plan, it does not specify the heights or designs of the treatments. However, the landscape condition could require this detail to ensure the living conditions of existing and future occupiers of property are safeguarded. The levels and Construction Environmental Management Plan conditions would also be needed for the same reason. The open spaces would be a sufficient distance from flat roof structures and an appropriate level of surveillance would be provided by the existing and proposed housing.
49. Residential activities and the use of open spaces of the sort proposed are not typically noisy and so there would not be an unacceptable degree of disturbance to the occupiers of existing properties or erosion of quiet enjoyment of the surrounding countryside. However, in order to mitigate road noise from the A299 and ensure that the proposed housing experiences reasonable noise levels, conditions would be needed to require the recommendations in the appellant's Noise Assessment to be implemented and an acoustic barrier to be installed.
50. Features of archaeological interest survive at the site as indicated by the appellant and KCC Archaeology, but it is common ground that preservation is not justified. However, a pre-commencement condition would be needed to ensure that are properly investigated and addressed prior to potentially damaging construction work being carried out. A further condition to require interpretation displays of the interest features would also be appropriate to inform the public.
51. No objections are raised by the Environment Agency, Southern Water or the Lead Local Flood Authority. The site is at low risk of flooding from all sources, would not adversely affect water quality or abstraction and sufficient fresh and waste water capacity exists. Conditions to protect against contamination would be required to manage the risks of water pollution and more generally in the interests of public health, which would be informed by the recommendations of the appellant's Phase 1 Geo-Environmental Site Assessment. Pre-commencement conditions to require amended surface and foul water drainage schemes including details to be approved including the proposed pumping station would also be necessary to mitigate the risks of flooding and water pollution. Associated conditions pertaining to maintenance and management and to verify that the schemes function as intended would also be needed for those reasons.
52. Concerns have been raised that the proposal would create an undesirable precedent for further housing in the vicinity. However, I have found that the

proposal would consolidate recent development at the edge of Cliffsend, which would not be the case if the remainder of the field were developed. Moreover, a generalised concern of this sort does not warrant denying permission in itself. It has also been advanced that there are more suitable alternative sites for housing in the district, but firm details of such have not been submitted and I must make a decision on the scheme and evidence presented.

Conditions

53. The Council and the appellant have agreed to the wording of conditions considered necessary if the appeal is allowed. Pre-commencement condition wording has also been agreed. I have considered if the recommended conditions meet the tests set out at paragraph 57 of the Framework. Editing of some would be needed for precision and clarity.
54. In addition to the conditions specified above, the standard time and approved drawings conditions would be needed in the interests of certainty. However, the recommended drawings condition would need to be amended to include the site location plan for clarity. Additionally, the proposed tenure and parking plans would need to be omitted given that the legal agreement provides scope for the affordable housing tenures to be modified and electric vehicle charging provision is already addressed by Approved Document S of The Building Regulations 2010. Similarly, a separate condition relating to electric vehicle charging is unnecessary.
55. The abovementioned landscape condition would be able to secure the timely provision and management of the proposed open spaces, including play space, are needed in the interests of the amenity of the occupiers of the development. Conditions to ensure that the proposed housing is sustainably constructed and energy efficient would be needed in the interests of environmental sustainability and to align with LP policy QD1. Additionally, a requirement for the refuse and recycling storage facility shown on the drawings to be provided prior to occupation would be necessary to ensure adequate provision is made.
56. Conditions relating to air quality have been put forward. While the evidence indicates that the site adjoins an Air Quality Management Area, it has not been demonstrated that there is poor air quality in the immediate locality or that the development would be likely to have a significant impact on air quality. Conversely, the site is reportedly in an area of low background pollution. Having regard to the site's location at the edge of Cliffsend and the limited traffic that would be generated by the proposal, I am not satisfied that air quality conditions would be necessary.
57. A condition has also been recommended to require connections to superfast broadband where there is adequate capacity. The reason given for this is to comply with LP policy SP14, but it only includes such a requirement for allocated sites. A condition is not therefore necessary in this regard. Furthermore, conditions relating to discharge of surface water onto the public highway and to prevent infiltration of such without prior approval are unnecessary, as such matters would be addressed by other drainage conditions.

Planning Balance

58. The presumption in favour of sustainable development, as set out by paragraph 11(d) of the Framework, is applicable as a consequence of the Council's housing

supply and delivery positions. The scheme does not conflict with any of the policies at footnote 7 of the Framework that protect areas or assets of particular importance. Accordingly, the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against its policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, which relate to specific paragraphs identified by footnote 9 of the Framework.

59. Having regard to the shortfalls in supply and delivery, the proposed market and affordable housing weighs substantially in favour of the scheme. The improvements to the community hall, railway station and public right of way would benefit those residing in or travelling to and from the area and so attract positive weight. There would also be benefits from the future occupiers spending on and engaging with amenities in the locality, the construction process and the provision of biodiversity net gain and wildlife enhancements. In respect of the key policies and paragraphs identified by the Framework, the scheme would make effective use of land in an accessible location to provide housing that would meet local needs, including affordable homes, in a manner sensitive to local character.
60. Taken together, the benefits of the scheme attract considerable weight. In contrast, the only adverse impact from the perspective of the Framework would be the loss of best and most versatile agricultural land. This attracts modest weight for reasons given earlier and thus does not significantly and demonstrably outweigh the proposal's benefits. The presumption in favour of sustainable development therefore indicates in favour of the scheme. Similarly, the benefits outweigh the harm resulting from the loss of the agricultural land for the purposes of the outstanding criterion of LP policy E16.
61. Critically, while I have found that the proposal is contrary to the spatial strategy and would result in the loss of best and most versatile agricultural land in conflict with LP policies SP01, SP24 and E16, these issues attract moderate weight when aggregated for the reasons given above. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any determination must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case, material considerations, including the presumption in favour of sustainable development, outweigh the conflicts with the development plan. A decision should thus be taken other than in accordance with the development plan.

Conclusion

62. For the reasons given above the appeal should be allowed.

Mark Philpott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - Site Location Plan: AA8931-2000 Rev A
 - Proposed Site Layout: AA8931-2003 Rev S
 - Proposed Roof Plan: AA8931-2005 Rev T
 - Proposed Typology Plan: AA8931-2006 Rev T
 - Proposed Refuse Strategy: AA8931-2009 Rev S
 - Proposed Building Materials: AA8931-2010 Rev S
 - House Type Av1: AA8931-2100 Rev C
 - House Type Av1 & Bv1: AA8931-2101 Rev B
 - House Type Av2: AA8931-2102 Rev C
 - House Type Av3 & Bv1 Plans: AA8931-2103 Rev C
 - House Type Av3 & Bv1 Elevations: AA8931-2104 Rev C
 - House Type Av3 & E Plans: AA8931-2107 Rev D
 - House Type Av3 & E Elevations: AA8931-2108 Rev C
 - House Type Av4: AA8931-2109 Rev C
 - House Type Av5 Plans: AA8931-2110 Rev C
 - House Type Av5 Elevations: AA8931-2111 Rev C
 - House Type Bv1: AA8931-2112 Rev C
 - House Type Bv1 & Bv2: AA8931-2113 Rev C
 - House Type Bv3: AA8931-2114 Rev C
 - House Type C: AA8931-2115 Rev C
 - House Type Cv2: AA8931-2116 Rev C
 - House Type C & Cv2: AA8931-2117 Rev C
 - House Type D: AA8931-2118 - Rev C
 - House Type Dv2: AA8931-2119 Rev C
 - House Type Dv3: AA8931-2120 Rev C
 - House Type E: AA8931-2121 Rev C
 - House Type G: AA8931-2122 Rev C
 - Flat Block Plans: AA8931-2123 Rev E
 - Flat Block Elevations: AA8931-2124 Rev E
 - House Type Av3 & E Lowered Eaves: AA8931-2125 Rev E
 - House Type Bv3 Semi-Detached: AA8931-2126 Rev C
 - House Bv3 & D: AA8931-2127 Rev C
 - Landscape Masterplan: AL8931-02000 Rev N
 - Landscape General Arrangement Plan: AL8931-02001 Rev N
- 3) No development shall take place until a specification and timetable for archaeological investigation and recording has been submitted to and approved in writing by the local planning authority. The investigation and recording shall be carried out in accordance with the approved details. Following the completion of the investigation a Post-Excavation Assessment Report (PEAR) shall be submitted to and approved in writing by the local planning authority. The PEAR shall include: (a) a description and assessment of the results of the investigation; (b) an Updated Project Design outlining measures to analyse and publish the findings of the investigation, together

- with an implementation strategy and timetable for the same; and (c) a scheme detailing arrangements for providing and maintaining an archaeological site archive and its deposition following completion. The measures outlined in the PEAR shall be implemented as approved.
- 4) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period for the development.
 - 5) No development shall take place until a full site survey has been submitted to and approved in writing by the local planning authority. The survey shall include: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; and full details of the proposed finished floor levels of all buildings and hard landscaped surfaces. The development shall be carried out in accordance with the approved details.
 - 6) No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be informed by the Flood Risk Assessment and Drainage Strategy (ref 21-413, dated 21 April 2023) and implemented in accordance with the approved details prior to first occupation of the dwellings hereby permitted.
 - 7) No development shall take place until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be informed by the Flood Risk Assessment and Drainage Strategy (ref 21-413, dated 21 April 2023) and include details of the pumping station hereby permitted. The scheme shall be implemented in accordance with the approved details prior to first occupation of the dwellings hereby permitted.
 - 8) No development shall take place until contamination of the site has been investigated and if necessary remediated in accordance with the steps set out below:
 - a) A written report of the findings of an intrusive investigation and risk assessment informed by the recommendations of the Phase 1 Geo-Environmental Site Assessment (ref B10716/1.0) shall be submitted to and approved in writing by the local planning authority prior to commencement of the development. The report shall assess the nature and extent of any contamination on the site, whether or not it originates on the site and include:
 - i. a survey of the extent, scale and nature of the contamination;
 - ii. an assessment of the potential contamination risks including to human health, property, adjoining land, ground waters and surface waters, and ecological systems; and
 - iii. an appraisal of remedial options and identification of the preferred option(s).
 - b) Following the written approval of the report specified in step (a), if the report shows that remediation is not required, the development shall be carried out in accordance with the approved details. If the report shows that remediation is necessary, a scheme of remediation shall be submitted

to and approved in writing by the local planning authority and thereafter carried out as approved prior to commencement of the development. The local planning authority shall be given 2 weeks written notification of the remediation commencing.

- c) Following the completion of any approved remediation scheme required by step (b), a verification report demonstrating completion of the remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The report shall include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action and for the reporting of such to the local planning authority. Following the written approval of the verification report, the development shall be carried out in accordance with the approved details.
- 9) Within 6 months of the development hereby permitted commencing, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall be implemented in accordance with the approved details.
- 10) No individual dwelling hereby permitted shall be occupied until it has been constructed to the equivalent of Level 4 of the Code for Sustainable Homes.
- 11) No individual dwelling hereby permitted shall be occupied until the optional requirement set out by Regulation 36(2)(b) of The Building Regulations 2010 to limit wholesome water consumption to 110 litres per person per day has been complied with for that dwelling.
- 12) No vehicular access to the site shall be gained from Clive Road other than by emergency service vehicles and retractable bollards shall be installed as indicated on the Proposed Site Layout (ref AA8931-2003 Rev S) prior to first occupation of the dwellings hereby permitted.
- 13) Prior to first occupation of the dwellings hereby permitted, the vehicular access, parking and turning areas shown on Proposed Parking Plan (ref AA8931-2007 Rev T) shall be provided and thereafter kept available for their intended purposes at all times.
- 14) Prior to first occupation of the flat block hereby permitted, secure cycle storage and refuse and recycling facilities shall be provided as shown on the Proposed Site Layout (ref AA8931-2003 Rev S) and maintained in that form thereafter.
- 15) Prior to first occupation of each dwelling hereby permitted, the following works between that dwelling and the adopted highway shall be completed: footways and/or footpaths with the exception of the wearing course; carriageways with the exception of the wearing course but including a turning facility; highway drainage; visibility splays; street lighting; street nameplates; and highway structures.
- 16) Prior to first occupation of each dwelling hereby permitted, measures for attenuating noise set out at Section 8 of the Noise Assessment (Project: J3134, Issue: 3) shall be implemented so that the sound pressure levels specified at Section 2.5 of the Noise Assessment are not exceeded for that

dwelling. The measures shall be completed before that dwelling is occupied and retained thereafter.

- 17) Prior to first occupation of the dwellings hereby permitted, a landscape scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of soft and hard landscaping, open spaces, play spaces, boundary treatments, a programme for its implementation and management arrangements. The scheme shall be implemented and thereafter managed in accordance with the approved details and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 18) Prior to first occupation of the dwellings hereby permitted, details including ongoing maintenance arrangements of an acoustic barrier to be erected along the southern boundary of the site as indicated on the Proposed Boundary Treatment plan (ref AA8931-2008 Rev S) shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of the dwellings the acoustic fence shall be installed and thereafter maintained in accordance with the approved details.
- 19) Prior to first occupation of the dwellings hereby permitted, a scheme for displaying an interpretation of features of archaeological interest at the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the location and content of information boards relating to those features and a timetable for their establishment. The scheme shall be carried out in accordance with the approved details.
- 20) Prior to first occupation of the dwellings hereby permitted, details of the maintenance and management of the approved surface water and foul water drainage schemes shall be submitted to and approved in writing by the local planning authority. The schemes shall be maintained and managed in accordance with the approved details.
- 21) Prior to first occupation of the dwellings hereby permitted, a verification report which demonstrates that the approved surface water and foul water drainage schemes have been constructed in accordance with the approved details and function as intended shall be submitted to and approved in writing by the local planning authority.
- 22) Prior to first occupation of the dwellings hereby permitted, details of a travel plan and a programme for its implementation shall be submitted to and approved in writing by the local planning authority. The travel plan shall be implemented in accordance with the approved details.
- 23) Prior to first occupation of the seventieth dwelling within the development hereby permitted, a pedestrian/cycle connection point shall be provided in the location described as 'potential cycle path connection from shared surface' on the Proposed Site Layout (ref AA8931-2003 Rev S).
- 24) Prior to the installation of any external lighting, details of such lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details.

- 25) Piling or any other foundation designs using penetrative methods shall not be undertaken other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated by a Piling Risk Assessment that there is no resultant unacceptable risk to groundwater. The works shall be carried out in accordance with the approved details.
- 26) If contamination not previously identified is found to be present before or during development at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented in accordance with the approved details.

End of Schedule

Richborough