

MC/16/3669

Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 225 residential dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works

Land off Town Road Cliffe Woods

1. Background

1.1 At the meeting of the Planning Committee on 18 April 2017, the Committee determined to refuse the above application for the following two reasons:

1. *Cliffe Woods village is not considered to be a sustainable location for a single use development of this scale. Employment opportunity within the village is limited and the nature of facilities within the village will result in occupants of the development having to look outside the village for alternative provision. The site is not well related in terms of sustainable transport modes to surrounding Towns & villages and their facilities. The proposed development is not considered to be accessible by a realistic chance of access by a range of transport modes and will be highly reliant on the use of the private motor vehicle. Therefore this development amounts to an unsustainable form of development contrary to principles set out at paragraphs 7, 8, 14, 17, 34 and 70 of the National Planning Policy Framework and Policy BNE25(i) of the Medway Local Plan 2003.*
2. *The development, if permitted, would have an adverse impact on the character and visual amenity of the local area, which is considered to be a "valued landscape", contrary to Paragraphs 17 and 109 of the National Planning Policy Framework and Policies S1, S2 and BNE25(i) of the Medway Local Plan 2003.*

1.2 The applicants, Gladman Developments Ltd have appealed the decision and the appeal is to be determined following a Public Inquiry starting in November 2017. In addition the Secretary of State has determined that he should determine the appeal himself, which means that the Inspector will hold the Inquiry, hear evidence as usual but then prepare a report and recommendation which will then be forwarded to the Secretary of State for decision.

1.3 In order to progress the appeal, maximise limited officer resources and put forward the Council's case as strongly as possible, the Head of Planning has appointed Counsel, a Planning Consultant and a Landscape Consultant.

1.4 As appropriate, both consultants and Counsel have reviewed the reasons for refusal, the Officers report and have visited the site. All are comfortable with reason

for refusal 1 but, following the expert advice of the Landscape Consultant are suggesting a slight change to reason 2 for the reasons set out below.

2. Reason for refusal 2 – Landscape.

2.1 Paragraph 109 of the NPPF states that:

'The planning system should contribute to and enhance the natural and local environment by:

- *Protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *Recognising the wider benefits of ecosystem services;*
- *Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'*

2.2 The term 'valued landscape' is not defined in the NPPF, but it has become broadly accepted through a range of appeal decisions and legal cases that: (i) it does not only refer to designated landscapes (designated landscapes can be valued landscapes, but valued landscapes do not have to be designated): (ii) that it is not enough for a landscape to be valued by local people (given that most edge of settlement landscapes are so valued), and (iii) that in order to be a valued landscape, an area possess some 'demonstrable physical attributes' which make it more than ordinary. There is no hard and fast checklist which can be used to determine whether an area should be regarded as a valued landscape (and therefore fall under Paragraph 109 of the NPPF), but these are the sorts of tests which have been applied by Planning Inspectors to this question

2.3 In relation to the appeal site, and following expert advice on the issue, officers consider that may be difficult to justify that the site is "valued landscape" in terms of paragraph 109 of the NPPF.

2.4 Notwithstanding this clarification the Landscape expert considers that site has a strong rural character, is representative of the character area in which it sits, clearly has value and the proposed development would lead to significant adverse effects on the local landscape.

2.5 Furthermore, officers remain of the view that the adverse impacts in terms of its unsustainable location together with the harm caused to the local landscape character significantly and demonstrably outweigh the benefits of the proposal. It follows that the presumption in favour of sustainable development in the NPPF does not apply.

3. Recommendation

3.1 Accordingly it is recommended that reason for refusal 2 be amended slightly to remove reference to the term "valued landscape" and be as follows:

3.2 The development, if permitted, would have an adverse impact on the character and visual amenity of the local area, contrary to Paragraphs 17 of the National Planning Policy Framework and Policy BNE25(i) of the Medway Local Plan 2003.