

LAND NORTH OF THE A20 ASHFORD  
ROAD HOLLINGBOURNE KENT

APPEAL REFERENCE  
**APP/U2235/W/23/3329481**

SUMMARY PROOF OF EVIDENCE OF ASHER ROSS  
MRTPI

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## 1. INTRODUCTION

1.1 My name is Asher Ross. I am Director of Planning at Wates Developments Ltd ('The Appellant'). I am a chartered member of the Royal Town Planning Institute.

1.2 In this Appeal, I am giving evidence on the relevant planning matters including, the planning history of the site and its surrounding area, the relevant planning policy and guidance, an assessment of the Appeal Scheme against this guidance and my view on the overall planning balance.

1.3 The planning application for a B8 scheme and associated infrastructure was submitted to Maidstone Borough Council who refused it planning permission for three reasons. It is agreed that the reason for refusal relating to biodiversity net gain can be addressed and this is not contested by the Council.

1.4 The other issues that the Council raises relate to the need for the development (addressed by my colleague Mr Saunders and a report from JLL that is appended to his evidence) as well as landscape effects (these being addressed by Mr Cook).

1.5 In the reasons for refusal the Council has alleged that the Site is 'valued landscape' in NPPF terms, but this allegation is not now contested by the Council.

1.6 The Council alleges that there are significant adverse impacts on the setting of the Kent Downs National Landscape (the new name for the AONB). The AONB Unit goes further and alleges that there is direct harm to the AONB itself.

1.7 There is significant relevant planning history in the area, most notably the allocation and subsequent permission for development at Woodcut Farm (known as Loc8).

1.8 Overall, it is clear in my mind that the planning history indicates the following:

- Significant economic development in this area is acceptable;
- Acceptance of significant changes to the Woodcut Farm scheme which materially affected the setting of the KDNL but the Council recognised that economic benefits outweighed the harm;
- The development of Woodcut Farm has had a significant effect on the character of the area; and
- Acceptance of economic development in the countryside in this location.

## 2. PLANNING POLICY

2.1 The most important element of the development plan that is relevant to the determination is the Maidstone Local Plan 2017. The Council alleges a breach of four policies of the Plan: SS1; SP17; SP21 and DM30. I consider that DM30 is not relevant to outline planning applications (such as the appeal scheme) as it deals with detailed matters that can be addressed at a later stage should permission be granted.

2.2 I also consider that Policy SP21 is a high-level policy that does not provide a significant case against the proposal.

2.3 Policy SP17 deals with developments in the countryside. The scheme does not fall within any exemptions set out in the Policy. However, I afford this Policy and a breach of it more limited weight as it does not reflect up to date national policy and does not cater for up to date needs.

2.4 Policy SS1 addresses the overall spatial strategy and supports the delivery of significant employment development at Junction 8 of the M20, the location of the appeal site. However, the site is not specifically allocated in the Local Plan, thus leading to non-accordance with the plan when considered as a whole.

2.5 I consider that the most important policies for the determination of the appeal are out of date and therefore the so-called tilted balance applies to the determination. This requires significant and demonstrable harm to outweigh the benefits.

2.6 I note that the emerging Local Plan Review sought to allocate the Site in a previous iteration of the Plan, but that this was not carried forward. Whilst the Local Plan Inspector has confirmed that the employment figure in the Local Plan can be regarded as currently acceptable, the Plan does not meet the overall need, nor does it meet the specific identified need for larger scale warehouse developments.

2.7 National policy requires plans to meet the full identified needs for all uses. This is something that neither the existing nor the emerging plans do. As such, and in accordance with national policy, the appeal scheme should be supported.

### 3. THE PLANNING BALANCE

3.1 When considering the balance associated with the Appeal Scheme, I have used the following terms to signify the weight to be afforded to each element:

Weight
Substantial
Significant
Moderate
Limited
Negligible
None

3.2 I have considered both the benefits and harms associated with the scheme.

Matter	Benefit / harm	Weight
Short-term / construction impacts	Benefit	Significant
Long-term economic impacts	Benefit	Substantial
BNG	Benefit	Moderate
Sustainability	Benefit	Moderate
BREEAM	Benefit	Moderate
Minerals	Neutral	N/A
BMV	Harm	Limited
Spatial Strategy	Harm	Limited
Landscape character	Harm	Moderate
Setting of KDNL	Harm	Negligible
KDNL	Harm	Negligible

3.3 I have set out that in my opinion the tilted balance applies to the determination of this Appeal. I do not rely on the operation of this to justify the scheme, but if the Inspector agrees with me on the application of the tilted balance, then even greater support would be afforded to the grant of consent.

#### Conclusions

3.4 I have set out a clear approach to determination of this Appeal.

3.5 I consider that the proposal does not accord with the provisions of the development plan when considered as a whole.

3.6 I consider that there are significant material considerations that indicate that a decision not in accordance with the development plan can be supported. These material considerations include (inter alia): the reduced weight afforded to the conflict with the development plan policies; the support of the NPPF; and the lack of sufficient allocations in the eLPR to meet the need and demand.

3.7 I conclude that the Appeal should be allowed when undertaking the S38(6) assessment.

3.8 However, I also set out that the tilted balance applies to the determination of the Appeal in that significant and demonstrable harm needs to be identified to outweigh the benefits. I consider that the benefits are numerous and significant so that the level of harm has to be exceptional. I do not consider that such a level of harm can be demonstrated.

3.9 As such, I respectfully conclude that the Appeal should be allowed subject to appropriate conditions and obligations.