

3.2 REFERENCE NO - 17/501505/OUT			
APPLICATION PROPOSAL			
Outline application (some matters reserved) for residential development comprising of nine 2 bed retirement bungalows, together with provision of a community orchard - Access and layout being sought.			
ADDRESS Land To The South Of School Lane Lower Halstow Kent ME9 7ES			
RECOMMENDATION REFUSE			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The application fails to comply with policy ST3 of the emerging Swale Borough Local Plan "Bearing Fruits 2031", which can be given significant weight following publication of the Inspectors Report. The site falls outside of any settlement boundary and would result in the loss of best and most versatile agricultural land, and the application fails to demonstrate that the development would meet an identified local need or that the development of this site is required to meet any such needs within Lower Halstow.			
REASON FOR REFERRAL TO COMMITTEE			
Called in by Councillor Stokes			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN Lower Halstow	COUNCIL	APPLICANT Mr Geoffery Crabtree AGENT BDB Design LLP
DECISION DUE DATE 23/05/17	PUBLICITY EXPIRY DATE 17/05/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0100	Demolition of existing stables & erection of 4No detached dwellings & associated outbuilding, landscaping & adaption of existing access	Approved	24/06/15
This permission relates to the adjoining site to the north. There is no relevant planning history for the site the subject of this application.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the south of School Lane, and is accessed via a track to the west of No 82, which passes former stable buildings now under redevelopment for housing, before reaching the application site. The site falls outside of the built up area of Lower Halstow, the boundary of which runs along the rear of properties on School Lane, but also includes the former stable site immediately to the north of the application site.
- 1.02 The land rises from School Lane in a southerly direction, and continues to rise to the south past the application site and over open agricultural fields. Land to the west of the site falls into a valley, before rising again towards Breach Lane

- 1.03 The site is bounded by open agricultural land to the south and west, by the primary school to the east, and to the north partly by the houses under construction at the former stable site and partly by a horse paddock.
- 1.04 The application site is currently in use as horse paddocks. These are generally open in appearance and bounded by post and wire fencing. A stable building is located in the south east corner of the site.
- 1.05 The line of a definitive public footpath crosses the site. The application states that this was diverted around the paddock by the previous owner of the land, and that the diversion is unauthorised. It should run through the paddock.

2.0 PROPOSAL

- 2.01 The application seeks outline planning permission to erect 9 x 2 bed bungalows on the site, with matters relating to access and layout for consideration at this stage. The bungalows would be specifically for older persons.
- 2.02 The layout of the development shows the buildings to be arranged around a central courtyard in groups of two and three dwellings. Each unit would be provided with a parking space to the side, and a parking courtyard to the north of the site would provide 6 further spaces. A landscaped feature would be accommodated in the centre of the courtyard.
- 2.03 The dwellings would include gardens of varying sizes, with a minimum of 7 metres in depth. The dwellings would be located some 11 metres at their nearest point from the primary school main building.
- 2.04 The access arrangements would include widening of the access road and provision of a footway to School Lane. The line of the definitive public footpath would be restored and would run between the proposed community orchard (see below) and the proposed bungalows.
- 2.05 Although not within the application site, the proposal includes the provision of a community orchard on land to the south and west of the proposed bungalows. This would be some 22 metres deep to the south, and some 10-35 metres in depth on the western side.
- 2.06 An area of land of approximately 1000sqm fronting School Lane also falls outside of the application site, but is owned by the applicant and is being offered as an area of public open space. It would be offered to the Parish Council for a peppercorn rent.

3.0 PLANNING CONSTRAINTS

Outside of village boundary
A Public Right of Way crosses the site

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) – paragraphs 2 (primacy of the Development Plan), 7 (dimensions to sustainable development), 14 (presumption in favour of sustainable development), 17 (core planning principles), 50 (delivery of a wide choice of homes), 54 (local needs housing), 56-64 (good design)

Development Plan

- 4.02 The adopted Swale Borough Local Plan 2008 – SP1 (Sustainable Development), TG1 (Thames Gateway Planning Area), SH1 (settlement Hierarchy), E1 (General Development Criteria), E6 (The Countryside), E9 (Protecting the character and quality of the landscape), E11 (biodiversity), E19 (Achieving high quality design), H2 (providing for new housing), RC3 (meeting rural housing needs), C3 (provision of open space)
- 4.03 The emerging Swale Borough Local Plan “Bearing Fruits 2031” – ST1 (Delivering sustainable development), ST3 (swale settlement strategy), ST5 (The Sittingbourne area strategy), CP3 (delivering a wide choice of homes), CP4 (Good design), DM6 (managing transport demand), DM7 (parking), DM9 (rural exceptions housing), DM14 (general development criteria), DM17 (open space), DM21 (water, flooding and drainage), DM24 (conserving valued landscapes), DM28 (biodiversity), DM31 (agricultural land).
- 4.04 Members will be aware that, following publication of the Inspector’s report, the emerging plan now carries significant weight in the decision making process.

Supplementary Planning Documents

- 4.05 The Swale Landscape Character and Biodiversity Appraisal 2011

5.0 LOCAL REPRESENTATIONS

Seven letters have been received in support of the application. Of these, one letter is from the Parish Council Chairman as a personal opinion, and two letters are from the agent for the application and his wife in their capacity as local residents of the village. The comments in support are:

- Need for a variety of properties in the village is supported by a village-wide survey
- There is an ageing population in the village and people cannot find properties to downsize
- Over-demand for housing association bungalows at The Green
- The proposal would be an asset to the village
- It would free up larger properties for families, and help balance an ageing population
- It would allow elderly people to live more independent lives and stay in the village
- There are no retirement bungalows available to purchase within the village or surrounding villages
- Planning policy makes clear the need to provide housing for all sectors of the market
- People do not want to leave the village to downsize

Two letters of objection have been received, raising the following concerns –

- School Lane is inappropriate for additional traffic
- The bungalows are being marketed as retirement homes but there is no guarantee these will not be bought by investors, or occupied by younger people
- There is no doctors surgery in the village or nearby
- There is a serious lack of public transport in the village
- The development will increase the risk of flooding

- The landowner owns the whole field, has recently built houses at the entrance of the field, and may continue to submit further applications, which would erode the countryside and village character.
- The development will spoil the picturesque village
- The development would have a serious impact on property value (*Officer note – this is not a material planning consideration*)
- Many local residents may not be aware of this application and the site notice was posted in the same place as an old notice and locals may not have read it.
- Development to the village is attracting crime
- Residents moved to the village for peace and quiet and do not want to live on a building site
- The design is not in keeping with the village
- Visibility from the site access is restricted
- Inadequate parking

6.0 CONSULTATIONS

6.01 **Lower Halstow Parish Council** originally objected to the application but then rescinded their objection and made the following comments –

- Although some parking has been added to the amended plan, the Council is concerned about the provision as street parking is not practical on School Lane.
- The Council observe that the proposed site is Agricultural Grade 2 land.
- If the proposed bungalows are built the council suggest a legal agreement is drawn up to make the first offer to current residents of Lower Halstow only.
- The Council suggest that a legal agreement in respect of the Community Orchard is drawn up to protect it from further development in perpetuity.
- The council recommend that Kent County Highways consider a 20 mph speed limit in School Lane.

6.02 **KCC Highways** raise no objection to the proposal subject to conditions to secure provision and retention of parking spaces and cycle storage facilities, completion / maintenance of the access for pedestrian and vehicular use, and measures to control highways impacts during construction.

6.03 **Environmental Health** raise no objection subject to a condition controlling hours of construction.

6.04 The **Greenspaces Manager** states that there are a number of community orchards in the Borough and they reflect the area's history of fruit production. Clearly a very valuable biodiverse habitat and Green Grid Action Plan and Swale Biodiversity Action Plan both recognise as such. It is as such a valuable, but different area of open space. No indication of how it will be managed. Other examples have been Borough Council or as a Trust however there is no reason it could not be management company, the key being that it is dedicated/allocated in some way as public open space. Orchards can be mixed or a specific fruit, but the essence is that the community enjoys both the space and the produce that arises.

6.05 Following the submission of revised drainage details, the **KCC SuDS team** raise no objection subject to conditions.

- 6.06 The **KCC Rights of Way officer** comments that the proposal directly affects public footpath ZR46. The applicant acknowledges the existence of this path and incorporates it into the design. This is welcomed. Rather than creating a footway beside the access track, it is suggested that an access layout along the lines of a shared space for pedestrian and vehicle use is provided. Consideration may be given to providing a width restriction at the entrance to the orchard, to prevent illegal access to the footpath and orchard. Alternatively the footpath should be made up to 2 metres in width with a dust bound surface and stone sub base to support the increased use that the orchard would generate.
- 6.07 **Swale Footpaths Group** comment that *“It looks as though the public footpath is to be incorporated into the proposed development as a pavement beside a road. The privacy and security of the houses would need to be considered at the outset, but the path is a useful one and should remain on its present line, except that I would see no problems with a small diversion onto a route just outside the site if the path were at risk of having vehicles parked on it.”*
- 6.08 **KCC Ecology** advise that the findings of the ecological report submitted with the application are acceptable, that a precautionary approach to the presence of mammals on site is recommended, and that enhancements are provided. The scheme must also adhere to the SAMMS approach in respect of the Medway Estuary and marshes and the Swale SPA and Ramsar sites.
- 6.09 The Council’s **Agricultural Consultant** advises that the site falls into the category of best and most versatile (BMV) land. Recent cases suggest that to successfully argue against loss of BMV land as a reason for refusal, the Council would have to demonstrate that the development is unnecessary, as it could take place on other feasible sites of lower quality than the application site. The loss of BMV land is a factor which weighs against the scheme, but it may be difficult to rely on this factor as a reason for refusal – the issue of necessity for the development and the balance of potential benefits / disadvantages of the proposal are all matters for a planning assessment.
- 6.10 **Natural England** advise that the site lies within the zone of influence of the Medway Estuary and marshes and the Swale SPA and Ramsar sites. It is the Council’s responsibility to ensure the proposals adhere to the SAMMS strategy. Subject to this, Natural England are happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.

7.0 BACKGROUND PAPERS AND PLANS

The applicant has provided the following documents with the application: Ecological Impact Assessment, Design and Access Statement, Planning Statement, Transport statement, Utilities statement, Foul and Surface Water Management Strategy. The applicant also provided further supporting information by email relating to the need for retirement housing, and the functioning of the community orchard and public open space.

8.0 APPRAISAL

Principle of Development

- 8.01 The site is located on the edge of, but outside, the village confines of Lower Halstow. The main relevant planning policy is ST3 of the emerging Plan, which states that at locations in the open countryside outside the built up boundaries, development will not be permitted unless supported by national policy and where it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 8.02 Members will be aware that the Council has been unable to protect the countryside from development in absolute terms over recent years, due to the lack of a five year housing supply. However, the recent Inspector's report on the Emerging Plan has confirmed that the Council now has an up to date 5 year housing supply, and this significantly strengthens the Council's hand to resist housing development in areas outside of built confines.
- 8.03 Lower Halstow is designated as a Tier 5 village in the Council's settlement strategy, with some sustainable characteristics. The supporting text to the policy states that development at these villages is not needed to meet housing targets, but that windfall developments could help meet local needs and improve the viability of services, through modest redevelopment and infill opportunities. Such development opportunities are likely to be limited both within, and exceptionally, when required, at the edges of built up area boundaries.
- 8.04 The scheme proposes to deliver 9 x retirement units. Policy CP3 of the emerging plan sets out the Council's approach for the delivery of a wide choice of homes. This includes the provision of older persons accommodation, to meet a significant forecast increase in the population over 65 years of age. The supporting text to this policy states that the greatest future demand is for two/three bedroom owner-occupied dwellings, and one/two bedroom private rent and affordable dwellings, and that development for housing specifically aimed at occupiers over 65 should, in the first instance, aim to reflect this. The policy states that development proposals will be steered to locations in accordance with policy ST3, and will meet the housing requirements of specific groups, including older persons.
- 8.05 Policy DM9 of the emerging plan sets out the Council's approach to local needs rural exceptions housing. This essentially allows for small scale local affordable housing in areas where housing would not normally be permitted. Such development has to be clearly justified through an up to date parish or village housing needs assessment by a recognised / appropriate body, a thorough site options appraisal and a prepared statement of community involvement with significant input from the parish council. The key element of this type of housing is that it delivers affordable areas where a clear case for such need has been identified.
- 8.06 The application has been made as a private housing development, with no affordable housing proposed. The justification for the development is made on the basis that the village population is aging and that many local residents under-occupy their homes and would like to downsize. The application refers to a 2009 rural housing survey for the village, which established the need for 9 affordable homes, subsequently built on Breach Lane. It states that the survey identified substantial need for retirement bungalows, which remains today. This would allow occupants to downsize, release

family homes for younger people, and support village services including the primary school.

- 8.07 Having read this survey (it was submitted by the applicant under SW/08/0287) I cannot find any substantive reference to housing need for older persons. I have also discussed the proposal with the Council's Housing Officer who advises that their housing data only covers affordable housing need, and would not be relevant to private retirement housing. Therefore I do not have any evidence to demonstrate the extent of any need for retirement housing in Lower Halstow. Whilst a local housing needs assessment is a requirement for affordable housing exceptions schemes, no such similar evidence has been provided to demonstrate the extent of need for private retirement housing in the village, or why such needs cannot be met within the village confines. The 2009 survey referred to would also be considered out of date – even if it did contain information on housing need for elderly persons. Without a clear and compelling justification that there is an unmet need for retirement housing in this village, it is not possible to reach a conclusion that such need would outweigh the policy presumption against allowing housing development outside of the village confines.
- 8.08 To summarise – the site lies outside the built up area boundary, the application does not propose local needs affordable housing, or indeed any affordable housing of any type, and is not supported by a village housing needs assessment. On this basis, I consider that the application would be contrary to Policy ST3 of the emerging plan, and the development is unacceptable as a matter of principle..

Impact upon character and appearance of area

- 8.09 The site is located at the edge of the village on sloping land, and elevated from School Lane. It is surrounded by open countryside to the south and west, and the land slopes down into a valley on the west side of the site, before rising again towards Breach Lane. As a result of this, the site is clearly visible from a number of viewpoints on School Lane, Breach Lane, and on various public footpaths in the surrounding area.
- 8.10 The existing site is in use as horse paddocks. Other than a small stable building in the corner of the site, the land has an open and rural character. Visually, the site functions as part of the countryside surrounding the village.
- 8.11 The existing boundary of the village is marked by existing housing and the residential development under construction to the north of the site. The primary school is visually prominent to the east of the site although this is not within the village envelope - and these buildings are clearly visible in the landscape, as well as the new development to the north of the site. The proposal would extend the built form into this area of open countryside.
- 8.12 Given that the application site is essentially open and undeveloped and has the fundamental characteristics and appearance of countryside, in my opinion the development of this site would cause some harm to the intrinsic value and beauty of the countryside, especially in a village fringe location with a series of public footpaths nearby, where local residents would view, use and experience the immediate surrounding countryside. Such harm would be contrary to paragraph 17 of the NPPF and to policy ST3 of the emerging plan.
- 8.13 In landscape terms, the site falls within the Upchurch and Lower Halstow Fruit Belt. This sets out that Lower Halstow has been affected by late 20th Century urban sprawl, and that this has increased the size of the village, affected its aesthetic quality and the

sense of remoteness that the village once had. The appraisal also refers to the lack of quality and coherency of the landscape at the urban fringe and outskirts of settlements.

- 8.14 The application proposes to plant a community orchard to the south and west of the proposed development. Whilst this would take some time to mature, the effect of this planting, at up to 35 metres in depth, would be to offer some screening to the backdrop of the village, which is currently somewhat exposed. This would potentially improve and provide some definition to the landscape setting on the edge of the village, and would enhance the landscape setting to the village which would accord with Policy DM24 of the emerging plan.
- 8.15 The scale and appearance of the development would be part of the reserved matters. Nonetheless, the application includes drawings to demonstrate how a scheme for the site could be designed. As shown, the buildings would be single storey and barn-like in appearance, with stained weatherboarded elevations. I am satisfied that the scale and design of built form could be high quality. In this respect, the layout and design of the development would be in accordance with policy CP4 of the emerging plan.
- 8.16 Being located immediately next to the built confines of the village, the site would provide good access to services and facilities within the village. In this respect, the site would have some sustainability benefits. However this would apply to many similar countryside sites on the fringe of towns and villages and is not unique to this site.
- 8.17 In summary, there would be harm to the intrinsic value, setting, tranquillity and beauty of the countryside through the proposal to develop this site for housing, which would extend the built form of the village and in turn erode the countryside fringe around the village, contrary to ST3 of the emerging plan and paragraph 14 of the NPPF. In landscape terms, the scheme would provide structured planting to the west of the site, which in turn would provide a more defined edge to the village, and would comply with policy DM24 of the emerging plan.

Residential Amenity

- 8.18 Policies E1 of the adopted plan and DM14 of the emerging plan state that developments should not significantly affect the amenity of surrounding neighbours.
- 8.19 In this respect, the closest residential development to the site is the new development under construction immediately to the north. This would be separated from the proposed dwellings by an area of green space and the car parking area proposed, and by a distance in excess of 30 metres. I consider this to be an acceptable relationship to avoid any unacceptable impacts on these properties.
- 8.20 An existing paddock immediately to the north of the site is currently enclosed on three sides, primarily by dwellings. The proposal would lead to enclosure on the southern side of this paddock, with an access gap on the western side. The area of land is approximately 0.2 hectares. Given that the size of this paddock is not affected by the development, and that no objection has been raised by Environmental Health regarding this relationship, I do not consider the proposal would have any undue impacts on the current use of this land. Although development of the application site would lead to pressures for the paddock to be potentially developed for housing as it would then be surrounded on all sides by such development.

- 8.21 The closest buildings are those at the primary school to the east of the site. This includes a number of classrooms with windows that face west across the application site. The layout of the development would result in the proposed bungalows being sited around 10m from the school buildings. This would result in some change from an open outlook across paddocks to an outlook at reasonably close quarters of the rear elevations of the proposed dwellings. It would also most likely result in higher / solid boundary enclosures next to the school to provide privacy to the proposed rear gardens. However whilst this would have some impact on outlook from the school, I do not consider it would be so substantial to result in unacceptable harm to the functioning of the school. As the buildings would be bungalows, a detailed scheme could be designed to minimise roof heights and avoid any undue light loss to the school.
- 8.22 Overall, I am satisfied that the development would not cause any unacceptable harm to the amenities of the school and surrounding residential properties, and would not be in conflict with the above policies.

Highways

- 8.23 The application would provide parking alongside each property, together with space for 6 vehicles within a parking courtyard to the north. The KCC Parking guidelines seek a minimum of 1.5 spaces per dwelling in a village location which, together with visitor spaces, would equate to 15 spaces on this site – which is the number provided. I also consider that the type of development as retirement housing would be likely to result in less cars per household than the parking guidelines would account for. The KCC Highways Officer does not object to the scheme.
- 8.24 The proposal would access School Lane via new roadway that would be upgraded to provide a dedicated pedestrian pavement. No objection has been raised by KCC Highways on traffic generation or road safety.
- 8.25 It is noted that the KCC Rights of Way officer has suggested that the layout be amended to provide a shared surface, presumably to avoid over-engineering and formalising the existing right of way. Given the likely light use of this access, I consider this to be a reasonable request and one that could potentially be dealt with via a planning condition if permission was granted for the scheme.
- 8.26 Overall, I do not consider that and highways safety issues would be likely to arise from the development, and in this respect the application would accord with policies DM6 and DM7 of the emerging plan.

Other Matters

Drainage / Flooding

- 8.27 Some residents have raised concern over localised flooding and drainage problems relating to the site and surrounding area. The site is not within the floodplain. The applicant has submitted a foul and surface water management strategy and (following revision) this is acceptable to the KCC Drainage team.

Ecology

- 8.28 An ecological survey has been submitted to the satisfaction of the KCC Ecologist.

Agricultural land Classification

- 8.29 The land falls to be considered as Best and Most Versatile agricultural land. Policy DM31 of the emerging plan states that development on such land will only be permitted where there is an overriding need that cannot be met on land within built up areas, or where the land is allocated for development, where there is no alternative site on lower quality land, and where the remainder of the agricultural holding would not become unviable as a result of development. In this instance, although the site is not currently used for agricultural purposes, it could easily revert to such use. Given the weight that can now be placed on the emerging plan, I consider that the development of this land is unnecessary. On this basis, the proposal would fail to accord with DM31 of the emerging plan.

The Public Open Space and Community Orchard

- 8.30 The proposed community orchard would have the potential to enhance biodiversity and provide a resource to local residents. The applicant has confirmed that the orchard would be maintained by a management company, the detail of which could be subject to a S106 agreement. The Council's Green Spaces Manager has advised that this could provide a valuable area of green space. The benefits of this have to be considered in the final balancing below.
- 8.31 The scheme also proposes to provide an area of land next to School Lane as Public Open Space. This land extends to around 0.1 Hectares in size. The applicant states that this would form a natural extension to the open space to the north of School Lane, and that it would be offered to the Parish Council for a peppercorn rent. The benefits are again considered below.

Village facilities

- 8.32 Some concern has been raised that Lower Halstow lacks facilities to accommodate new development. However the village is designated in the emerging local plan (Policy ST3) as one which has more sustainable characteristics in terms of public transport / local facilities, and I do not consider the village services and facilities to be a barrier to small scale residential development.

Occupancy of units

- 8.33 The application proposes that the units would be restricted to persons aged 55 years and over. I am satisfied that such restrictions could be controlled via planning conditions of a S106 agreement.
- 8.34 The applicant has also offered measures to sell the units to local persons first, and has referred to an application at Oakside Park, Dunkirk, where a S106 agreement secured nomination rights to require units at a residential caravan site to be offered to local persons prior to sale to a wider market. He considers that a similar agreement could be used for the application site. As this mechanism has been used by the Council on another site relating to the ownership / occupancy of private units, I consider that a similar mechanism could, in principle, be utilised on this site. However – Members should be clear that this does not equate to affordable housing for local people. The dwellings would presumably be offered at the market rate, and should no local people apply, they would be free to be placed on the open market. Indeed, they could be sold on the open market after first being sold to a local resident. There is therefore no guarantee that this development would, in the short medium or longer term, address any perceived need (noting that no evidence of such a particular need in Lower Halstow has been presented) within the village.

9.0 FINAL BALANCING AND CONCLUSION

- 9.01 The site falls outside of the built confines of the village and would be contrary to the emerging local plan. Significant weight can now be given to this plan, and paragraph 2 of the NPPF makes clear that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development would result in the loss of an area of essentially open and undeveloped countryside, and this would be harmful to the intrinsic value, quality and tranquillity of the countryside. The proposal would also result in the permanent loss of Best and Most Versatile agricultural land.
- 9.02 The application submits that the proposal would meet an identified need for retirement housing in the village. However no substantive evidence has been provided to demonstrate what the need may be or whether other more policy-compliant sites are available. In the absence of clear justification for the scheme, the weight that can be given to this is limited.
- 9.03 The proposal includes measures to improve the landscape setting around the village, through a community orchard. This would also bring other benefits through the provision of a community resource. However this would only potentially offer screening to a small part of the village edge, and the benefits are limited by virtue of the relatively small size of the orchard area proposed. Whilst these are benefits, I would only give these limited weight. In addition, the need for a community orchard does not arise as a direct result of the development proposed, and in my view Members should justifiably be very wary of giving this matter any weight in the decision making process.
- 9.04 The other area of Public Open Space would be 0.1 Ha in size. Whilst it would add to the stock of open space in the village, it is noted that larger areas of formal and informal public space exists on the north side of School Lane. In addition, the public footpath networks provide access for walking through part of this space, and in nearby fields. I do not consider the benefits of this additional space to be significant, and I would give little weight to this. Again, the need for public open space does not arise as a direct result of the development proposed, and Members should be careful not to give this matter weight when considering the merits of this proposal.
- 9.05 Overall, I consider the policy presumption against the development of this land, the harm to the intrinsic character, value, quality and tranquillity of the countryside, and the loss of Best and Most Versatile agricultural land outweigh the benefits put forward in this application and as set out above. The scheme would be contrary to Policies ST3 and DM31 of the emerging plan.

10.0 RECOMMENDATION –REFUSE for the following reasons:

- 1) The application site is located outside of the built confines of Lower Halstow and within the open countryside. The proposed development would fail to protect the intrinsic value, tranquillity and beauty of the countryside and would result in the permanent loss of best and most versatile agricultural land. The proposal would be contrary to policies ST3 and DM31 of the emerging Swale Borough Local Plan “Bearing Fruits 2031” The provision of retirement housing, and other proposed benefits through the provision of a community orchard and area of public open space do not outweigh the identified harm.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.