

Planning Referrals History Case Summary

1. Neither use of the previous Planning Referrals process matches the current process in the Constitution. In both cases the Planning Referrals Committee considered whether to agree not to defend reasons for refusal at appeal, and on both occasions agreed to not to defend them.
2. Comparisons with the current process are further complicated by the fact that public inquiries on significant applications can be complex. Below is a very brief summary of the relevant parts of the process of each case.
 - i. MA/13/2197 – Land at Boughton Lane, Maidstone
 - Planning committee refused application on 2 grounds – (i) harm to ancient woodland, (ii) lack of affordable housing
 - Application was appealed – on Counsel’s advice and new evidence from the applicant Planning Committee dropped a ground and then Planning Referrals was used to drop (not to defend) the other one. Planning Referrals did not re determine the application.
 - However, due to emerging North Loose Neighbourhood Plan and public representations at time of appeal the application was refused for different reasons, namely, highway congestion

Outcome: Refusal (on different grounds to Planning Committee)

- ii. 15/503288/OUT – Land at Woodcut Farm, Ashford Road, Hollingbourne
 - Planning Committee refused on harm to AONB and to Grade II Listed Building
 - The application and appeal were caught up with the submitted Local Plan and Main Modifications – the applicant made amendments - there was a question over whether these could be accepted at appeal or a new app submitted
 - Planning Referrals were asked to give permission for the reason for refusal to not be defended at appeal (not to redetermine the application)
 - New application was submitted by applicant and approved (17/502331/OUT)

Outcome: New application submitted and approved by Planning Committee