Urgent Update

22/502027/FULL

<u>Procedural Error on Decision</u>

This application was heard at the first part of the Planning Committee Meeting on 20th June.

The officer recommendation to approve permission was voted upon and did not carry.

Members then discussed grounds to refuse the application (as interpreted by officers below) but there was no vote held.

The application will therefore be brought back for a vote/decision at the second part of the Planning Committee Meeting on 27th June, which has been agreed with the Chair of Planning Committee, Democratic Services, and the Monitoring Officer.

Consideration of the application will continue from the point at which the item closed on 20th June. This means, for example, the application will not be reintroduced, nor will public speakers be able to address the meeting again.

Therefore, please note the decision can only be made by those Members who were present for this item on 20th June.

<u>Planning Committee's Putative Reason for Refusal:</u>

The proposed development within Maidstone Borough would result in significant harm to the rural character and appearance of the area contrary to policy LPRSP9 of the Maidstone Local Plan Review.

<u>Procedural Risk</u>

Whilst officers are confident the procedure to be followed above is the correct one, it is important that the Committee consider that the usual procedure has not been followed given the lack of a vote when this item was initially considered, and that inevitably introduces risk. Therefore, to manage that risk further the options available to the committee are set out below to provide clarity.

<u>Options</u>

All options on the application are open to the committee with the exception of approval as per the papers (as this was voted against). The main options available are therefore:

1. To approve the application, but there must be amendments to the proposed conditions etc.
2. To defer the application to a future meeting, with a reason. Examples of acceptable reasons are:
    a. For more information to be provided on an area of concern, or,
    b. To manage procedural risks around the decision given the unusual circumstances and enable the application to be reconsidered in full; or
3. To refuse the application for the putative reason for refusal listed above, or to consider other reasons for refusal.