

Item 14 – Pages 10-133

Ref: 18/50662/FULL & 19/506031/LBC

**Courtyard Studios
Hollingbourne House
Hollingbourne Hill
Hollingbourne
Maidstone
Kent**

The Appendices at pages 94-133 should be labelled :

Timothy Mould QC view dated 5/5/21 – Appendix A (pages 94 -96)

High Court Judgement dated 14/7/22 – Appendix B (pages 97- 116)

Court of Appeal Judgement dated 22/1/23 – Appendix C (pages 117-133)

The National Planning Policy Framework (NPPF) was updated on 5th September 2023.

In summary the amendments are to chapter 14 relating to planning for climate change. The update should assist decision makers dealing with proposals to use and improve existing renewable energy sites giving weight to the advantages of doing so.

The addition of a new paragraph under this header specifies that '*Wind Energy Development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders*'. The increase in accepted routes to achieve development of Wind Turbine sites is intended to make the process more flexible and therefore quicker and easier to increase wind farms producing renewable or low carbon energy.

It is not considered the changes to the NPPF impact on the recommendation.

An additional letter dated 18th September 2023 has been submitted by Richard Buxton solicitors, on behalf of the occupiers of Hollingbourne House.

This letter has been submitted to be read in conjunction with the further representation received (dated 18th July 2023) in response to the 20th July Committee report. It further seeks to clarify why the objector disagrees with the Officer's assessment of the application.

The letter has been forwarded to some Members. It goes into further detail on each point, but summarised it raises the following :

- Members must satisfy themselves that all the following criteria of DM5 are met.
 - o the site is not of high environmental value
 - o the density of new housing proposals reflects the character and appearance of individual localities

in an 'exceptional' case which meets criterion DM5 (2)

- o the redevelopment would result in a significant environmental improvement
- o the site is, or can reasonably be made, accessible by sustainable modes

- The site is of high environmental value
- There would not be a 'significant environmental improvement'
- The site is not accessible by sustainable modes of transport
- Heritage harm is underplayed
- More sensitive conversion could be proposed

The objector disagrees with the appraisal contained within the original Committee report (Appendix 1) and the report dated 21st September 2023, suggesting that the above issues have not been satisfactorily addressed, the reports however do robustly set out the rationale for the recommendation. Although the objector is not in agreement, this does not mean the appraisal is incorrect.

It is not considered that the above raise any new matters to depart from the published reports and the **recommendation remains unchanged**