

Annex 3

Response to NPPF (August 2026) – Application B

Site Address: Land West of Teynham London Road, Teynham Kent

Planning Inspectorate Reference: APP/V2255/V/24/3355314

LPA Reference: 21/503906/EIOUT

Proposal: Northern Site - Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

1. Background

- 1.1. This note is made on behalf of Swale Borough Council and relates to the Northern Application ref: 21/503906/EIOUT and provides an explanation as the extent to which Swale Borough Council considers the proposed development is consistent, or not, with the NPPF 2026.

2. Extent of consistency

2.1. Chapter 1: Introduction

- 2.1.1. Chapter 1 of the NPPF 2026 provides an introduction clarifying that the Framework sets out the government's policies for plan making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts.
- 2.1.2. It is considered relevant that the NPPF 2026, whilst a material consideration of critical importance, does not have a statutory footing as the development plan. This is clarified by paragraph 3.
- 2.1.3. It is clarified that the thematic chapters in the NPPF 2026 contain both plan-making policies and national decision-making policies so that the approach to particular topics can be seen in the round. At paragraph 8, it is stated that the plan-making policies should not be used when making decisions on development proposals.
- 2.1.4. At paragraph 12, through reference to Annex A, it is clarified that several Written Ministerial Statements and other planning policy documents have been incorporated in the Framework and no longer represent up-to-date Government policy.
- 2.1.5. In relation to paragraph 17 and the overarching economic, social and environmental objectives, it is relevant to note that the fundamental approach remains the same. It is acknowledged that the opening sentence has changed, now specifically referencing providing homes, commercial development, facilities and infrastructure, but the objectives that feed into the overall aim of achieving sustainable development have remained largely unaffected.

2.2. Chapter 2: Plan making policies

- 2.2.1. Chapter 2 of the NPPF relates to Plan making policies, as these should not be used when making decisions on development proposals, they are generally not relevant in the context of this note.

2.3. Chapter 3 Decision making policies

- 2.3.1. Policy 'DM1: Preparing development proposals' requires major development proposals to be informed by early engagement with neighbours and the local community, as well as with the local planning authority, statutory consultees, infrastructure providers, registered providers of social housing and other relevant bodies where appropriate, to identify and seek to resolve key planning matters prior to the submission of a planning application.
- 2.3.2. The application underwent consideration by the Local Planning Authority prior to submission, and there is evidence that the application was modified to address matters raised at the pre-application stage. The application is of a sort to require an Environmental Statement, and screening and scoping opinions were undertaken, involving consultation with statutory consultees.

- 2.3.3. The Applicant engaged in consultation with neighbours and the community and this is reflected within the Statement of Community Involvement that accompanied the application. The application was also accompanied by a planning statement as required by section 1b of Policy DM1.
- 2.3.4. Policy 'DM2: Information requirements' relates to information needed to validate applications and it therefore now considered to be moot. The required information was provided and the application validated in 2022.
- 2.3.5. Policy 'DM3: Determining development proposals' relates to the approach Local Planning Authorities should take in determining applications. It is not relevant to the extent to which the proposed development is consistent with Government policies and, as the LPA is no longer the determining authority, it is considered that the application of this policy is for the Secretary of State rather than the Council. That being said, it is considered that the stance taken by the Council throughout does not conflict with DM3(f) and the requirement to "not refuse applications for development which should clearly be approved."
- 2.3.6. Policy 'DM4: Emerging development plan proposals' relates to emerging plans and the weight that can be given to them. In this instance, it is relevant that the Council is currently consulting on the Regulation 19 Draft Local Plan. The consultation period runs until 21st September 2026. It has to be acknowledged that the plan is at an early stage and this limits the weight it can be afforded. Moreover, as the consultation period is still on-going, at the time of writing it is not possible to clarify extent of objections that there will be to the plan, yet alone whether they will be resolvable or not at the time that the Secretary of State makes their decision. The most relevant policies have been set out within Annex 4 of the Council's response to the letter of 18th August 2026. It is acknowledged that they have been prepared in the context of the previous iteration of the NPPF. However, it is considered that they can still be afforded some weight in the assessment of this application.
- 2.3.7. Regardless of the weight that might be afforded to the emerging local plan, the evidence base that underpins the emerging plan is capable of being a material consideration to the determination of the current application. In this regard, it is noted that the Council has commissioned a Swale Housing Market Assessment Update (May 2026) which will be referenced below and can be found at Appendix 1 to this document.
- 2.3.8. Part 2 of DM4 relates to prematurity and states inter alia that development proposals should not be refused on the grounds of being premature, other than in the limited circumstances where both:
- a. *The development proposal is so substantial, or its cumulative effect alongside other development proposals would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
 - b. *The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. An emerging plan is unlikely to be in an advanced stage if a draft spatial development strategy, local plan, minerals and waste plan or supplementary plan has yet to be submitted for examination; or, in the case of a neighbourhood plan, the local planning authority publicity period on the draft plan has not ended.*

- 2.3.9. While the proposal would meet the threshold set out in DM4 Part 2a, the emerging plan has yet to be submitted for examination. Therefore, the development should not be refused on the grounds of being premature at this stage.
- 2.3.10. Policy 'DM5: Development viability' relates to financial viability, in this case there are substantial infrastructure costs (roads, schools etc) which means it is not viable for the development to meet all required planning obligations, including affordable housing and health care. Aligning with paragraph 59 of the former iteration of the NPPF, Policy DM5 sets out that *"It is a matter for the decision-maker, having regard to the circumstances under which the viability assessment is submitted, to assess the weight to be given to a viability assessment."* Accordingly, it is for the Secretary of State to decide the extent to which the shortcomings arising in respect of not providing the affordable housing that is needed by the community, as required by Policy HO7, should be outweighed by the viability considerations.
- 2.3.11. Policy 'DM6: Use of planning conditions and obligations', does not introduce any fundamental changes in comparison to the former iteration of the NPPF and the associated section of the Planning Practice Guidance. Planning conditions have been the subject of round table sessions during the Inquiry and the S106 legal agreement has been completed. It is trusted that the Inspectors report to the Secretary of State provides a robust set of conditions that will meet the applicable tests.
- 2.3.12. Policy 'DM7: Relationship with other regulatory regimes' and not duplicating matters that are controlled through other means has always been at the heart of the approach of the Council with respect to these applications, noting that the policy generally reflects the content of Planning Practice Guidance throughout the lifetime of the application.
- 2.3.13. Policies 'DM8: Unauthorised development and enforcement', 'DM9: Use of development orders', and 'DM10: Removal of national permitted development rights' are not relevant to the extent to which the proposed development is consistent with Government policies.

2.4. Chapter 4. Achieving sustainable development

- 2.4.1. The plan making policies S1 and S2 are not relevant to the extent to which the proposed development is consistent with Government policies.
- 2.4.2. Policy 'S3: Presumption in favour of sustainable development' requires that:
 - 1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
 - a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
 - b. Outside settlements, policy S5 should be applied*
 - c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay*
 - 2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal."*
- 2.4.3. A section of the Northern Relief Road, between Swale Way and Lomas Road, would be located within the designated built-up boundary of Sittingbourne (a settlement) and elements of the existing highways that are included within the application site are also

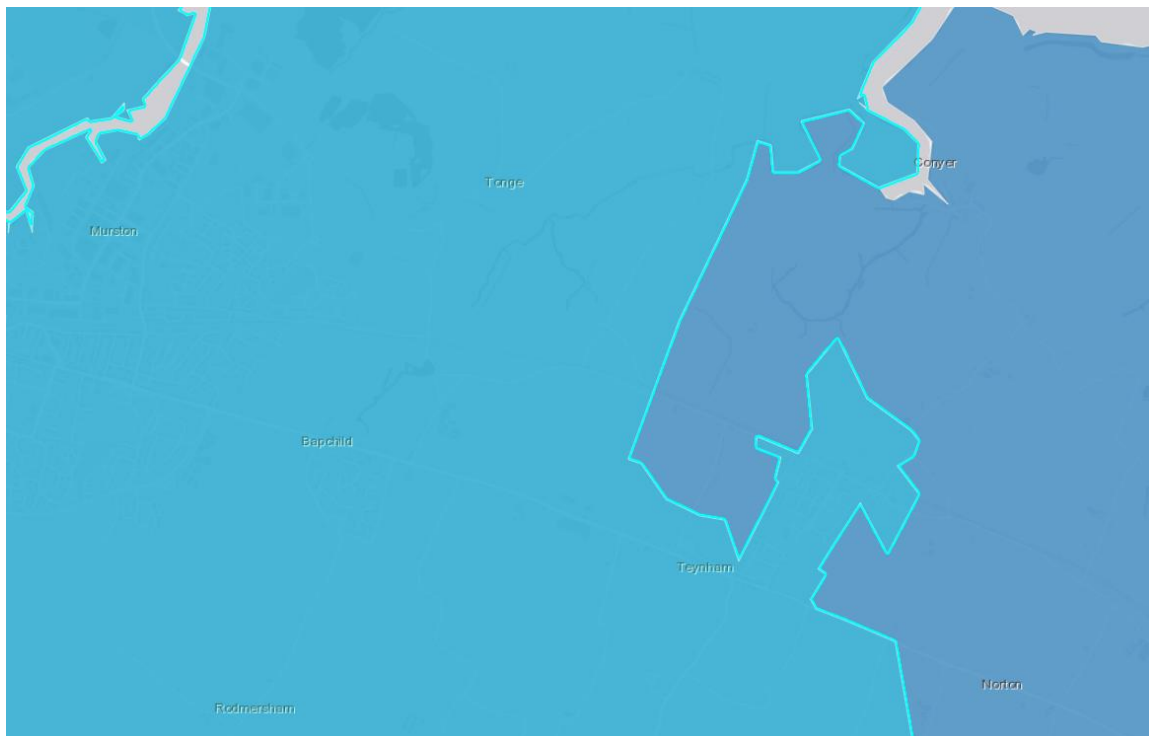
within the settlements of Bapchild and Sittingbourne. The remainder of the development is not within an existing settlement.

- 2.4.4. Policy S4 states inter alia that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.
- 2.4.5. There is no objection to the portion of the NRR north of the railway line, rather it is the impacts of the wider development on the remainder of the site which are outside of any settlement that are unacceptable and the portion of the NRR north of the railway line is inextricably linked to the rest of the development.
- 2.4.6. Policy 'S5: Principle of development outside settlements' states that only certain forms of development should be approved outside settlements, as set out in a list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.
- 2.4.7. The list includes 10 matters listed 'a' to 'j', set out below are copies of the text in the list with commentary as to relevance and compliance:
- a. Development for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction and processing; engineering operations and infrastructure (including for transport, energy and water); roadside facilities in accordance with policy TR5; national defence and security; or which is solely for nature conservation, restoration and/or enhancement*
- 2.4.8. The proposal includes refurbishment of the Bapchild Cricket Club, to which there is not an objection, rather it is the impacts of the wider development on the remainder of the site which are unacceptable and the proposals for the Bapchild Cricket Club are inextricably linked to the rest of the development.
- b. Development for rural businesses and services, including tourism, where a location outside settlements is shown to be necessary;*
- c. The re-use, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building²⁵. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces;*
- d. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential);*
- e. Limited infilling within groups of houses;*
- f. An exception site as provided for in policy HO10, or development brought forward under a Community Right to Build Order or Neighbourhood Development Order;*
- g. Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation, provided it meets the criteria in policy HO12;*
- i. The development of land allocated for that purpose in the development plan (where this lies outside settlements);*
- 2.4.9. The proposal does not relate to the criteria set out in points b, c, d, e, f, g or i.
- h. Residential and mixed-use development which would:*

- i. Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);*
- ii. Be physically well-related to the station or the settlement within which the station is located;*
- iii. Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and*
- iv. Not prejudice any proposals for long-term comprehensive development in the same location.*

2.4.10. In response to criteria i of exception h) and beginning with the definition of a well-connected station that is provided at Annex B of the NPPF 2026, the closest station to the site is Teynham Station, which is within the Medway TTWA. The Medway TTWA is in the Top 80 TTWAs when ranked by GVA and, therefore, the station meets the first element of being well-connected.

2.4.11. In this regard, it is noted that the site straddles the boundary of the Medway Travel to Work Area (TTWA), with a portion within the Canterbury TTWA, with the station sitting within the outcrop that is shown below:



Source: Office for National Statistics - Travel to Work Areas (December 2011)
Boundaries UK BGC (V3)

2.4.12. The second requirement to be considered a well-connected station is for the normal weekday timetable to provide a service, throughout the daytime, of at least four trains or trams per hour overall, or at least two trains or trams per hour in any one direction. Railway Data UK show that Teynham is served by up to 4 trains an hour in the morning peak, 2 trains per hours for the most part of the day increasing to 3 or 4 trains an hour in the afternoon peak, and average of 2.7 trains per hour over a 12 hour day. This is less than the four trains per hour overall threshold and, as such, the station cannot be considered to be well-connected.

- 2.4.13. Whilst the above means that the definition of ‘*reasonable walking distance*’ becomes irrelevant, it is noted that the application site, at its closest point is, approximately 750m walking distance from Teynham Railway Station. It is, therefore, the case that the vast majority of the site would be outside the 800 metre range that is set out within Annex B, with the school and local centre being approximately 1.6km from the train station. In addition, it is noted that the parameter plan shows that the north eastern most corner of the site would feature a strip of “amenity area and infrastructure” that would take up a strip measuring at least 75 metres deep from Lower Road. Once this is factored in, the closest residential parcels would certainly be outside the 800m range and not within a reasonable walking distance of the Teynham Railway Station.
- 2.4.14. Sittingbourne Train Station is approximately 3.2km from Bapchild Cricket Club, with the proposed housing being further beyond that distance. This is not considered to be within reasonable walking distance.
- 2.4.15. In relation to criteria ii of exception h), compliance with the policy would be dependent on an assessment of whether the development is “*physically well-related to the station or the settlement within which the station is located.*” The test here is not identical to the test that is required in relation to j) below which is whether the development would be “*physically well related to an existing settlement²⁸ (unless the nature of the development would make this inappropriate)*”. Moreover it is noted that footnote 28 which is referenced below in relation exception j) is not duplicated for exception h). However, it is considered that the assessment is tantamount to being the same and for the avoidance of duplication, it is considered that all commentary provided below about the relationship between the proposal and the settlement of Teynham (and its station) is equally applicable to this criteria.
- 2.4.16. Criteria iii of exception h) requires that the development is of a scale “*which can be accommodated taking into account the existing or proposed availability of infrastructure.*” Infrastructure is not defined but, in the context of utility provision, no objection has been raised. Moreover, in terms of the ability of the development to mitigate the impact on community infrastructure, the completed Section 106 agreement means that no objection is raised by the Council. Criteria iv of exception h) is not applicable.
- 2.4.17. Overall, for the reasons given, the proposal is not considered to accord with exception h).

j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test²⁷), and where the development would:

- i. be physically well-related to an existing settlement²⁸ (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or*
- ii. comprise major development for freight and logistic purposes which accords with policy E3.*

- 2.4.18. It is acknowledged that this exception can be enacted as the development would contribute towards meeting an evidenced unmet need as the Council is not able to demonstrate a 5 year supply of housing land and the outcome of the most recent HDT indicates that the score of the Council is 70%. However, there remains a requirement for the development to meet either of the other two criteria, the second of which is not applicable to this case.

- 2.4.19. In relation to the first criteria, the compliance with the policy would be dependent on an assessment of whether the development is “physically well-related to an existing settlement (unless the nature of the development would make this inappropriate).” In addition, as is applicable here, regard has to be had to footnote 28, which states that *“where a development proposal is located outside a settlement, and separated from the existing built-up area by virtue of being beyond the outside edge of an allocated site that has yet to be fully developed, consideration should be given to whether the proposal is in a suitable location should the allocated development not proceed.”*
- 2.4.20. In terms of the relationship with existing settlements, the designated built-up area boundary of Teynham (as designated within the local plan proposals map) runs along the western edge of Frognal Lane. As such, the north eastern part of the application site abuts the boundary of that settlement. The existing dwellings to the east of Frognal Lane would be at the opposite side of the road to the development, albeit a landscape buffer is shown on the submitted plans for Application B to separate the closest residential parcel from Frognal Lane.
- 2.4.21. Part of the development would therefore be close to the settlement of Teynham and have a relationship with the settlement. Whether this is “physically well-related” arguably introduces a more broad assessment that goes beyond a simple consideration of proximity. In this regard it is noted that the north west corner of Teynham currently represents a linear group of dwellings that would feature an employment area to the rear if and when the MU4 allocation comes forward. The development would sprawl significantly westwards from this corner of Teynham and, whilst close, it is considered that the extent of development would have little to no regard to the physical form of the existing settlement. In that context and having regard to the extent of the proposals, it is not considered that a development of 1,250 dwellings and all the other components can be considered to be well-related to the village of Teynham which, in itself, amounts to 1968 households (as per the 2021 Census).
- 2.4.22. At the south eastern corner, the application site is adjacent to the boundary of the MU4 allocation, which is allocated as a mixed use site for *“260 dwellings, 26,840 sq m of 'B' use class employment, open space and landscaping”*. The alignment of that allocation does not reflect the built-up area boundary which, as set out above, follows the western edge of Frognal Lane and the northern edge of London Road and the properties that front London Road. The land within the allocation that is outside the built-up area boundary was shown within the supporting evidence of Policy MU4 to be an area of open space and landscaping.
- 2.4.23. The approved parameter plan for planning permission 16/507689/OUT reflects this with the relevant land being referred to as an area for “Landscape / Wildlife mitigation and enhancement, water attenuation, community orchard, allotments and open space.” An extract of that plan is shown below:

development is not one of the forms of development that should be approved outside of settlements and Policy S5(2) need not be considered. Policy S5(4) is therefore applicable, stating that development “*should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.*” As set out throughout this submission and the Inquiry, there are harms that outweigh the benefits of the proposal and, therefore, even allowing for benefits such as the completion of the relief road, the exceptional circumstances to justify the development do not exist.

2.4.28. Returning to Policy S3, it is considered necessary to undertake a combined assessment of the elements of the proposal that are within a settlement and therefore can be supported in conjunction with policy S4 and the application of Policy S5 which sets out that only certain forms of development should be approved. In this case, it is suggested that the proposals do not accord with the exceptions set out and there is a conflict with policy S5 that indicates that, when taking an “overall view”, planning permission should not be approved.

2.4.29. Policy ‘S6: Neighbourhood plans and the presumption’ does not apply to this case as there are no neighbourhood plans in place which relate to the site.

2.5. Chapter 5. Meeting the challenge of climate change

2.5.1. Policy ‘CC1: Planning for climate change’ relates to plan making and is not relevant to the application.

2.5.2. Policy ‘CC2: Mitigation of climate change’ sets out criteria development should meet, these are set out below with a comment as to the extent to which the proposal is consistent with the policy:

a. Accord with policies TR3 and TR4 so that sustainable patterns of movement are prioritised, opportunities are taken to improve walking, wheeling, cycling and public transport, and infrastructure is provided to support the transition to zero-emission vehicles;

2.5.3. While Teynham Train station exists and there are bus stops on London Road, the site is not well served by existing sustainable transport modes. That said the proposal includes a sustainable transport strategy, including funding for additional bus services and the proposal could comply with this criteria.

b. Support good access to facilities in order to limit the need to travel, whether through the development’s location, through development densities which improve catchment populations for local services, or by incorporating community facilities and premises to support local employment opportunities;

2.5.4. A local centre and medical facilities are proposed, along with a primary school and enhanced sports facilities, play spaces and open space areas. The proposal would comply with this criteria.

c. Use design approaches which conserve energy and other resources in accordance with policy DP3(2)(b);

2.5.5. The application is in outline form, and an energy strategy is proposed. There would be no reason the development could not accord with this criterion at the reserved matters stage.

d. Take advantage of opportunities to reuse existing structures and materials, including by reusing non-contaminated excavated soil and hardcore within the site;

- 2.5.6. Other than the retention and relocation of farm buildings, no other buildings would be reused, but subject to conditions being imposed on any consent, excavated soils could be reused.

e. Take advantage of opportunities to draw low carbon energy from decentralised networks (such as district heat networks), where these are available, and to co-locate energy and heat generators and users, especially to take advantage of suppliers of surplus heat and energy;

- 2.5.7. There are no decentralised networks available. The energy strategy is an all-electric solution and given the detached location (where there are no suppliers of surplus heat and energy), the approach is considered appropriate and acceptable at this stage of the planning process.

f. Contribute to the creation or restoration of habitats which can act as carbon stores, such as through woodland planting and peatland restoration, while avoiding harm to habitats which can act as important carbon stores, including peatland and salt marsh;

- 2.5.8. No objection has been raised on the grounds that the proposal could impact on habitats that act as important carbon stores.

g. Not involve the extraction of fossil fuels unless it is in accordance with policy M5.

- 2.5.9. No extraction of fossil fuels is proposed.

2. Substantial weight should be given to the benefits of improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights) where this would be achieved through proposals for development.

- 2.5.10. The proposal is for an all-electric solution, and through solar panels and connections to and from the national grid, the proposal set out in the Sustainability and Energy Statement (CD1.20) is that the strategy is based on a fabric first approach, utilising passive design measures, well insulated and airtight building fabric and high efficiency lighting and ventilation systems.

- 2.5.11. In addition to the passive design and energy efficiency measures noted above, a site wide local renewable or low carbon energy strategy will achieve a substantial saving in carbon emissions, in excess of those required by planning policy. This strategy includes a gas free solution with air and ground source heat pumps providing space and water heating, and a substantial PV array across the whole site connected to battery storage to show how the development can achieve net zero carbon by offsetting both the regulated and unregulated building emissions. The proposal is therefore consistent with policy CC2.

- 2.5.12. Policy 'CC3: Adaptation to climate change' states that development proposals should take into account the current and potential impacts of climate change over the lifetime of the scheme, and in order to minimise vulnerability to these impacts the policy sets out various matters development should comply with. In general, the proposals are consistent with the requirements or capable of being made compliant with this policy through the use of previously drafted conditions. In relation to e) wildfire risk has not previously been

considered and has not been referenced in comments from the Fire and Rescue Service. Noting that the site would feature a country park, if the Secretary of State thought the site were to be at particular risk, the Council would have no objection to the imposition of a condition relating to wildfire risk mitigation.

- 2.5.13. Policy CC3(2) relates to the adaptation of existing buildings and public spaces and is not considered to be applicable to the proposal.

2.6. Chapter 6. Delivering a sufficient supply of homes

- 2.6.1. The introductory text to this chapter sets out that the overarching objective of the policies is to support the delivery of a substantial increase in the supply of homes by ensuring that a sufficient amount and variety of land can come forward where needed, going on to state that this *“includes planning for an appropriate mix of accommodation for the local community and ensuring that land with permission is developed without unnecessary delay.”* Recognising the aim of the NPPF 2026 to increase the supply of housing land, it is considered important to reflect that there are key caveats about providing an appropriate for the local community and avoiding delays. It is respectfully suggested that the infrastructure requirements (such as the bridge over the railway line that would be required for the relief road) would inherently take time to be fully consented and delivered and this in turn would have an impact on the timeline for the delivery of the housing. These have always been key components of the Council's case and it is considered that the NPPF 2026 compounds the relevance of these factors.
- 2.6.2. NPPF policies HO1 to HO6 relate to plan making policies are not relevant to the determination of the application.
- 2.6.3. In terms of national decision-making policy ‘HO7: Meeting the need for homes’ states inter alia that substantial weight should be given to the benefits of providing homes that will contribute towards meeting the evidenced needs of the community, taking into account any need assessments prepared for the area and other relevant evidence (including evidence related to the needs of different groups as referred to by Policy HO1).
- 2.6.4. If supported, the permission would exist for up to 1,250 dwellings. It is acknowledged that this would contribute towards meeting an identified overarching evidenced need as the Council is not able to demonstrate a 5 year supply of housing land. Through the outcome of the most recent HDT it is recognised that there is a need for more housing to be delivered but it is considered unlikely that any housing would be delivered as a result of this development in the short term and it is unlikely that the development would make a contribution to the 1.5 million home target for the current government.
- 2.6.5. Turning to the more bespoke needs of the community, it is considered relevant to highlight that the Council's evidence base has evolved through the publication of the Housing Market Update Assessment. This is part of the evidence base for the emerging local plan and demonstrates, at section 8.4, a need for 28.4% of the Boroughs housing growth to be affordable. This amounts to 304 out of 1,071 dwellings per annum. The report goes on, at section 8.6 and figure 8.1 to demonstrate that 15.9% of all developed housing should be Affordable Rented or Social Rented and 7.4% of all housing should be Affordable Home Ownership. Of the affordable housing, 50.6% is forecast to be needed to be Social Rented, and 17.6% should be affordable rented.
- 2.6.6. Policy ‘HO8: Providing affordable homes’ requires that development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of

affordable housing tenures relevant to the location, including the minimum proportion of Social Rent.

- 2.6.7. The position of the Council has been that the applicable development plan policy (DM8) requires 40% affordable housing provision at this site, albeit there is scope within the policy for viability to be factored into this. The justification for this has been discussed previously and it is not considered necessary to repeat that commentary.
- 2.6.8. The Planning Statement (CD1.10 see para 6.74) accompanying the application proposed 10% of dwellings be affordable. More recently the Applicant submitted a draft affordable housing schedule which sets a target of 27.7% reflecting a borough wide average set out in the Council's Housing Market Assessment 2020. Either way, the Application would not meet the affordable housing target that is set by Local Plan Policy DM8.
- 2.6.9. The Section 106 agreement secures between 6.08% and 11.28% affordable housing as the Affordable Housing Base Provision depending on other financial contributions, of which 60% would be social rented and/or affordable rented dwellings and 40% would be intermediate. There is scope to achieve an uplift as a result of viability reviews which are secured by the Section 106. However, the evidence available indicates that there will be a shortfall relative to the identified needs of the Borough and, by extension, it is inevitable that the minimum needed proportion of Social Rent affordable housing would not be forthcoming.
- 2.6.10. Policy 'HO9: Specialist forms of accommodation' relates to proposals to address specialist housing needs. While the proposal has the flexibility to deliver specialist accommodation (extra care accommodation), this is not secured, and cannot therefore be relied upon as part of the offering or contribution of the development towards meeting the need that is known to exist for such accommodation, as set out in adopted local plan policy CP3.
- 2.6.11. Policies HO10, HO11 and HO12 are not relevant to the determination of the application.
- 2.6.12. Policy 'HO13: Build out of residential and strategic sites' relates to the timely delivery of homes, stating that land with permission should be developed without unnecessary delay and that *"proposals for major development involving the provision of housing should be capable of bringing the housing forward within a reasonable period, taking into account the proposed tenure mix for the development, local market conditions (including absorption rates) and the development history of the site."*
- 2.6.13. The proposed infrastructure (which includes the NRR, a bridge over the railway line, junctions and interchanges) would take considerable time to be consented and delivered meaning delivery of housing would be delayed. Whilst not necessarily falling into the category of an "unnecessary delay" as there is due process to follow in this regard for important reasons, the inevitable duration of such procedures would delay bringing the housing forward. In addition, as the application is in outline form, it would take time to work up detailed proposals and for reserved matters approvals to be secured, particularly given that the 'three stage' approach that is proposed by the applicant would create an extra tier of approvals to be granted.
- 2.6.14. Paragraph 2 of Policy HO13 indicates that consideration should be given to the imposition of conditions to require development to be begun within a shorter timescale. For the reasons given above, there appears to be little scope to speed up delivery of housing through that method.

- 2.6.15. Paragraph 3 of Policy HO13 is integrally built into the proposal by virtue of the application being in outline and there being flexibility to the type of housing that would be provided, particularly the mix of affordable housing being addressed with flexibility in the Section 106 agreement.
- 2.6.16. Paragraph 4 of Policy HO13 states that *“where an emerging development plan (however advanced) proposes to allocate one or more strategic sites, development proposals should not be inconsistent with the proposed scale, location and phasing of those strategic sites. This applies notwithstanding the application of policy DM4(2) where relevant.”* In this instance it is relevant that the site is not allocated and, having regard to the DHA letter, its accompanying submissions and the response to those submissions that is provided by Annex 4 of the Council’s submission, it is considered that the proposal that is the subject of Application B, would run contrary to the strategic development locations that have been identified within the emerging local plan. If an additional committed development to the extent of 1,250 dwellings was approved, there must be a prospect that this could undermine the delivery of the identified strategic sites that are proposed to be allocated for development. It is considered particularly relevant to note that the emerging site allocations can be afforded weight through this policy even though the emerging plan is at an early stage, as clarified by the inclusion of “however advanced” within the Policy text.
- 2.6.17. Overall, whilst the scheme is consistent with some parts Chapter 6 (read in isolation), the proposal is not consistent with several important elements of that Chapter. Taken as a whole, the proposal is not consistent with Chapter 6 of the NPPF.

2.7. Chapter 7. Building a strong, effective economy

- 2.7.1. The proposal involves non-residential space including a mixed-use local centre. The household spending from future residents has also been considered. In relation to Chapter 7 of the NPPF its noted Policy E1 relates to plan making and is not relevant to the determination.
- 2.7.2. Policy ‘E2: Meeting the need for business land and premises’ states inter alia that substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and adapt; especially where this would support the economic vision and strategy for the area, the implementation of the Industrial Strategy, support improvements in freight and logistics and/or reflect proposals for Industrial Strategy Zones and AI Growth Zones.
- 2.7.3. The proposal has the potential to include commercial space, however that rather depends on the scale of health care provision that may need to be provided. It may well be the case that a reduced amount of commercial space is delivered. The NRR would facilitate freight movement between London Road and the A249, which would be a benefit for operations beyond the site.
- 2.7.4. Policy ‘E2 also places substantial weight on the benefits for domestic food production, animal welfare and the environment which can be demonstrated through proposals for development for farm and agricultural modernisation. This is not proposed; the scale of the development means that there would be a significantly reduced rural economy in this location as a result of the development.
- 2.7.5. Agricultural operations at the site would significantly reduce and large tracts of the site (including Best and Most Versatile land) would become a built-up area with no rural characteristics. Therefore, whereas the site currently contributes to the rural economy and it is noted that there would be retained and relocated farm buildings within part of the site,

this proposal would have an adverse effect on the rural economy given the significant loss of Best and Most Versatile agricultural land.

- 2.7.6. Policy 'E3: Freight and logistics' is indirectly relevant, and the proposals involve completing the final section of the NRR, and in so far as the development relates to the NRR, it is consistent with Policy E3.
- 2.7.7. Policy 'E4: Rural business development' is relevant insofar as there is an area allocated for the existing farm and the relocation of farm buildings. No objection has been raised to that element of the proposal.
- 2.7.8. Whilst incorporating a non-residential element that would have the potential to be of some economic benefit, the proposal would undermine the contribution that the site makes to the rural economy and there is no certainty that the proposal would address any established requirements.
- 2.7.9. Whilst there are some aspects of Chapter 7 of the NPPF taken in isolation, there is conflict with the Chapter in other respects.

2.8. Chapter 8. Ensuring the vitality of town centres

- 2.8.1. The application proposes a mixed-use centre to serve the development. The application states the range of uses anticipated would include convenience retail, office space, space for community infrastructure, café and leisure uses as well as space for a medical centre. The sorts of uses proposed in the mixed-use centre are known as main town centre uses, the NPPF and Local Plan take a Town Centres first approach (directing town centre uses to town centres first).
- 2.8.2. Policy 'TC3: Main town centre uses outside town centres' states that a sequential test should be applied to proposals for main town centre uses for which planning permission is required, where these are neither in an existing centre nor in accordance with an allocation for that purpose in an up-to-date development plan.
- 2.8.3. Part 4 of Policy TC3 states: Where a development proposal fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the considerations in policy TC4, it should be refused.
- 2.8.4. Policy 'TC4: Assessing the impact of development on town centres' at part 1 states: Development proposals for retail and leisure uses located outside town centres should be accompanied by an impact assessment. The application is supported by Retail Statement.
- 2.8.5. Part 2 of Policy TC4 states

2. In circumstances where an impact assessment is required, it should be demonstrated that the development would be unlikely to have a significant adverse impact on:

a. Existing, committed and planned public and private investment in a town centre or centres in the catchment area of the proposal; and

b. Town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

- 2.8.6. The Retail Statement examines the impact of the proposal in terms of retail trade diversion. The increased demand and spending generated by future occupants of the

scheme and growth in the borough, means there would be no undue retail trade diversion from existing centres.

- 2.8.7. If approved the proposed mixed-use centre would be needed to serve the day-to-day needs of the new population. Having regard to the site's distance from shops in Teynham, it would reduce the need for future occupiers to travel for basic essential services.
- 2.8.8. Subject to the delivery of retail and food/beverage floorspace being linked to the delivery of housing to ensure there would be no unacceptable trade diversion from existing centres.
- 2.8.9. For the most part the mixed-use centre is simply needed to serve the needs of the future population living in the proposed housing. Given the extent of housing proposed, should the application be approved, there is a logical rationale for having a mixed-use local centre on site.

2.9. Chapter 9. Supporting high quality communications.

- 2.9.1. Chapter 9 is not relevant to the determination of this application.

2.10. Chapter 10. Securing clean energy and water.

- 2.10.1. Policies W1 and W2 are plan making policies and decision making policies W3 and W4 are considered to be related to those types of infrastructure development rather than considering the implications of development on existing infrastructure. They are not, therefore, material to the assessment of the application.

2.11. Chapter 11. Facilitating the sustainable use of minerals

- 2.11.1. Policy 'M6: Safeguarding mineral resources and infrastructure through decision-making' is clear that non-mineral development should not constrain potential future use for mineral working in a Mineral Safeguarding Area and not prevent or constrain the use of existing, planned and potential sites for mineral related works. The policy also includes a requirement for the decision-making authority to consult the mineral planning authority and take account of the local minerals plan before determining the planning application, with the prior extraction of materials being encouraged.
- 2.11.2. The KCC Minerals and Waste Authority were consulted as part of the application. As per paragraph 7.23.10 of CD6.1 (Northern Committee Report), it was accepted that in this case there are sound reasons as to why prior extraction of minerals would not be feasible, and the application is considered consistent with Chapter 11 of the NPPF.

2.12. Chapter 12. Making effective use of land

- 2.12.1. Policy 'L2: Making effective use of land' indicates that substantial weight should be given to developments that achieve one or more of four criteria. None of those criteria are applicable to this proposal.
- 2.12.2. At paragraph 1 of Policy L3 (Achieving appropriate densities) it is stated that "*development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places.*" This approach is noted and, if applicable, would be factored into the assessment of applications for the approval of reserved matters.

- 2.12.3. At paragraph 2b it is states that to contribute to making efficient use of land outside of settlements, development footprints should make the best use of a site's development potential. As the application is in outline form, it is considered that there would be scope to achieve this.
- 2.12.4. At paragraph 2c it is stated that, where development proposals for residential or mixed-use schemes are within reasonable walking distance of a well-connected railway station, a density of at least 35 dwellings per hectare should be achieved within the net developable area of the site. As set out above, Teynham station does not constitute a well-connected station having regard to the definition at Annex B of the NPPF 2026 and the substantive development would not be within reasonable walking distance of the station. As such, there is no requirement to achieve this precise density arising from this policy. It is, however, expected that an appropriate density can be sought where reserved matters applications would be submitted
- 2.12.5. The Outline Development Specification (CD54.2.1 see para 5.23) states density will range across the land parcels, in accordance with the Density Framework Plan. A range of densities are provided for, with the average residential density across the Proposed Development would indicatively be up to 40 dwellings per hectare. Residential densities will vary across the Site, with the highest densities in more central locations, with lesser density areas toward the boundaries of the Site, with density of up to 40 dwellings per hectare. There is no objection to the proposed density.

2.13. Chapter 13. Protecting Green Belt land

- 2.13.1. Chapter 13 is not relevant to the determination of this application.

2.14. Chapter 14. Achieving well-designed places

- 2.14.1. Policy 'DP3: Key principles for well-designed places' states that *"development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets."*
- 2.14.2. In this regard, as has been set out previously, it is considered that the proposal would harm the setting of heritage assets. The NRR is proposed to traverse the Tonge Conservation Area and the setting of listed building would be harmed. The proposal would not respond well to the history, character and features of the site and its setting. It could not be said to integrate into or enhance its surroundings.
- 2.14.3. The policy goes on to state that to create well-designed places development proposals should address a variety of matters. Footnote 45 states that the principles for creating well-designed places are described more fully in Part 1 of the Design and Placemaking planning practice guidance, points a to g in policy DP3 forming the seven features of well-designed places described in the guidance, all of which are informed by context (paragraph 1). It is considered that those elements could generally be addressed through reserved matters applications or conditions if outline planning permission was granted. The same is also true for the application of Policy DP4.
- 2.14.4. Whilst there are some aspects of Chapter 14 of the NPPF that could be complied with at reserved matters stage if taken in isolation, there is conflict with the Chapter in other respects.

2.15. Chapter 15. Promoting sustainable transport

- 2.15.1. The proposal includes the Sittingbourne Northern Relief Road (NRR). This would extend from Swale Way in the northwestern corner of the site, to London Road. Clearly a development of this scale would result in significant amounts of traffic during construction and operational phases.
- 2.15.2. Policy 'TR3: Locating development in sustainable locations' at part 1, states in part: *Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical.*
- 2.15.3. The application is accompanied by a sustainable movement strategy, additional funding for buses is proposed, the on-site school, health care centre and local centre would help to reduce the everyday travel needs of future occupiers. Subject to planning conditions and obligations to secure the proposed sustainable transport measures, the proposal could be consistent with Policy TR3.
- 2.15.4. Policy 'TR4: Street design, access and parking' states that to contribute to creating well-designed places, transport considerations should be integral to the design of development, proposals. The policy goes on to set out various matters proposals should accord with.
- 2.15.5. Insofar as it is an outline application, with all matters reserved (including access), the proposal is considered consistent or capable of being made consistent with Policy TR4.
- 2.15.6. NPPF Policy TR6: Assessing transport impacts' part 3 includes a threshold for refusal of planning applications due to highway impacts stating that the impact would have to be a severe adverse impact.
- 2.15.7. No putative reason for refusal was raised in relation to transport matters and, as an outline application with all matters reserved, the Council does not object to the proposals from a highways perspective. However, the acceptability of the proposal is dependent on any consent securing the early delivery of highway infrastructure and that the implementation of sustainable transport measures occurs alongside occupation. Delivery of high-quality streets, pedestrian and cycleways, parking provision, arrangements for servicing and all other access requirements would need to be secured.
- 2.15.8. There is support for the NRR in Local Plan policies and the proposed route of the NRR is within the safeguarded search area set out in Local Plan Policy. The consultation response from Network Rail raises no objection in principle to the construction of a bridge over the railway.
- 2.15.9. The highway proposals would bring benefits in some areas (for example in Bapchild and Sittingbourne) but increase traffic flow (with associated congestion) in other areas further east. KCC Highways have considered the situation and advise that the scheme is considered to offer more benefits than disbenefits in highway terms and therefore on balance no objection is raised by the Local Highway Authority. National Highways have also raised no objection in terms of impacts to the Strategic Network.

- 2.15.10. Overall, subject to conditions and planning obligations being imposed on any consent, the Council does not contend the development would be inconsistent with Policy TR6 of the NPPF. However, the NRR would result in harms, particularly to heritage assets.
- 2.15.11. Policy 'TR8: Public rights of way' sets out criteria for development effecting PROW. The proposed development would both sever and fragment the existing network of Public Rights of Way (PROW) over a considerable area. There is a clear need for solutions to mitigate the impact to the PROW network given the scale of the development proposed.

2.16. Chapter 16. Promoting healthy communities

- 2.16.1. Policy 'HC3: Community facilities and public service infrastructure serving new development' requires proposals that would give rise to significant numbers of additional people living in, working in or visiting an area to be informed by an understanding of the need for any associated improvements to community facilities and public service infrastructure, whether on or off-site and provide for community facilities and improvements to public service infrastructure which are necessary for the development to be acceptable in planning terms.
- 2.16.2. The proposal would provide on-site educational and health facilities, enhancements to the Bapchild Cricket Club are proposed. The proposals would largely accord with the locally set standards for greenspace provision. Planning obligations are required for various matters to ensure infrastructure is able to cope with the additional population. These are set out in the S106 legal agreement which has now been finalised.
- 2.16.3. The Applicant has not agreed to provide funding for acute health care, and this is subject to a 'blue pencil' clause in the legal agreement. The Council's view is that funding for acute care is required.
- 2.16.4. Policy 'HC7: Development affecting existing recreation facilities' is clear that development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless certain criteria are met. In this regard it is noted that the open greenspace near to the Stones Farm development would accommodate the NRR, displacing open space and diminishing user experience.
- 2.16.5. Overall, whilst there are some aspects of Chapter 16 of the NPPF that are complied with when taken in isolation, there is conflict with the Chapter in other respects.

2.17. Chapter 17. Pollution, public protection and security.

- 2.17.1. Policy 'P2: Ground Conditions' seeks to ensure contamination and land stability issues are appropriately mitigated and remediated, and subject to conditions being imposed on any consent to secure this the policy would be complied with.
- 2.17.2. Policy 'P3: Living conditions and pollution' requires development proposals to be appropriate for their location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. There had initially been concerns raised in relation to air quality impacts, however the Applicant addressed these to the satisfaction of the Council's Environmental Health Officer, including through updates to the Environmental Statement.
- 2.17.3. The application is in outline form, and the detailed design of dwellings would follow at the reserved matters stage. There is no reason access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an

unacceptable adverse effect on health and wellbeing could not be controlled at the detailed design stage.

- 2.17.4. Policy 'P4: Impact of development on existing activities' seeks to ensure proposals do not harm existing amenity or operations and the development would accord with this policy.
- 2.17.5. Policy 'P5: Maintaining public safety and security' could be complied with subject to conditions being imposed on any consent to comply with the consultation response from the Kent Police in terms of designing out crime.

2.18. Chapter 18. Managing flood risk and coastal change.

- 2.18.1. The site is affected by surface water flooding and Policy 'F4: Assessing flood risk for decision-making' requires a flood risk assessment and sequential test if development is affected by any source of flooding. Policy F5 relates to the sequential test, and in relation to this a sequential test was provided, as set out at paragraph 7.17.6 to 7.17.26 of the Officer Report (CD6.1) the proposal satisfies the sequential and exception tests.
- 2.18.2. Subject to conditions to secure a sustainable urban drainage strategy the application would accord with Chapter 18 of the NPPF.

2.19. Chapter 19. Conserving and enhancing the natural environment

- 2.19.1. The development would result in harmful landscape and visual impacts across the site; the development would cause a loss of countryside and see the loss of Best and Most Versatile agricultural land.
- 2.19.2. Policy 'N2: Improving the natural environment' states that to contribute positively to the natural environment and support nature's recovery development proposals should inter alia consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced. The proposal would not conserve or enhance the habitats, landscape character and the natural beauty of the countryside.
- 2.19.3. The policy also states that development should conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows), the proposal would not accord with this element of the proposal.
- 2.19.4. Policy 'N3: Trees in new development' seeks to ensure trees are incorporated into proposals, and subject to conditions being imposed on any consent to secure tree planting and maintenance the proposal could comply with Policy N3.
- 2.19.5. Policy 'N6: Areas of particular importance for biodiversity' relates to protected sites. Given the scale of the proposed development in combination with other projects, there is potential for a significant effect in relation to recreational pressure (the Applicant has agreed to fund mitigation, which is secured in the finalised S106 legal agreement, and as such no objection would be raised), impacts due to air quality impacts have been ruled out following submission of additional information, no objection is raised in terms of impacts to the Medway Estuary and Marshes, The Swale SPAs, SSSI and Ramsar sites.
- 2.19.6. Whilst there are some aspects of Chapter 19 of the NPPF taken in isolation, there is conflict with the Chapter in other respects.

Chapter 20. Conserving and enhancing the historic environment.

- 2.19.7. Policy 'HE4: Securing the conservation of heritage assets' and requires inter alia that development avoid harm to the significance of heritage assets and instead conserve their significance. If harm to the significance of heritage assets cannot be minimised or avoided, there should be a clear and convincing justification in accordance with the policies in Chapter 20.
- 2.19.8. The site is near to many heritage assets and includes the Tonge Conservation Area. The development would result in harm to multiple designated heritage assets, including harm to the significance of listed buildings arising from development in their setting as has been established through the Councils previous submissions to the Inquiry. Due to the extent and scale of proposed new development, it would be conspicuous in the setting of the listed buildings, introduce built form and associated hard landscaping, vehicular movement, activity, noise, lighting effects and light spill, represent a fundamental change in landscape character and land use with an urbanising and permanent impact.
- 2.19.9. The significance of non-designated heritage assets would also be harmed through development in their setting.
- 2.19.10. The proposals would directly harm the character, appearance and significance of Tonge Conservation Area including from development within the Conservation Area boundary and within its setting, it would introduce the effects of a road, noise, lighting and increased movement and activity in the Conservation Area. The NRR would traverse a particular water course, which makes a very positive contribution to the significance of the Tonge Conservation Area.
- 2.19.11. Policy 'HE6: Proposals affecting designated heritage assets' states that when considering the potential effect of a development proposal on a designated heritage asset, substantial weight should be given to the asset's conservation. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. The Council's approach to this has been set out previously and need not be repeated.
- 2.19.12. In relation to NPPF Policy HE7, in terms of harm to non-designated heritage assets, where a development proposal would cause harm to a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. Again, this has been commented on previously and the case made is considered to remain applicable.
- 2.19.13. Policy 'HE9: Conservation areas' requires that development proposals within or affecting the significance of conservation areas should:
- a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of a conservation area where possible; and*
 - b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.*
- 2.19.14. The NRR is proposed to traverse the Tonge Conservation Area, it would traverse the Conservation Area and quite clearly have an urbanising impact, both from built form and traffic associated with the NRR.
- 2.19.15. The harm is not outweighed by the public benefits of the scheme. As such the proposals would be contrary to National Planning Policy Framework (2026) policy HE6.

- 2.19.16. Portions of the application site are potentially of archaeological interest, and as such Policy 'HE10: Archaeological assets' is relevant. The Applicant undertook non-intrusive surveys which identified anomalies of probable archaeological origin in some areas of the site. The Applicant adjusted the parameter plans and other relevant plans so as to ensure there would be no encroachment of development into the area where significant archaeological remains are assumed to exist, and the KCC Archaeologist advised that no objection is raised in terms of archaeology, subject to conditions being imposed on any consent.

3. Conclusion

- 3.1.1. Whilst there are some aspects of the various Chapters of the NPPF which the proposal would be consistent with when taken in isolation, there is conflict with the Chapters in other respects. The presumption in favour of sustainable development set out at Policy S3 is not considered to be engaged because the benefits of approving the development would be substantially outweighed by adverse effects, when assessed against the national decision-making policies in the Framework. In particular the harm to heritage asset, including the direct harm to the Tonge Conservation Area and the setting of Frognal Farmhouse (Grade II*) is not considered to be outweighed by the benefits of the proposal. Moreover, as large parts of the proposals involving land outside of settlements are not compliant with any of the categories in policy S5(1) of the NPPF, policy S5(4) sets out that development should only be approved in exceptional circumstances where the benefits of the proposal would substantially outweigh the adverse effects.
- 3.1.2. The planning balance is discussed in full at section 19 of the POE of M Duigan CD38.6.2.