Application Reference: 25/504039/OUT

Address: Land South of London Road Ospringe Kent ME13 0RH

Description: Outline application (with all matters reserved except for access) for the erection of up to 85no. dwellings with associated infrastructure, open space and a car parking facility for use by Ospringe C of E Primary School.

Whilst the application site is predominantly outside of the Faversham Neighbourhood Area (FNA), there is a small section in the north-east corner that is within the FNA. The proposed development would impact on infrastructure and community services in Faversham Town as its closest settlement. Therefore, for the purposes of this representation Faversham Town Council (FTC) consider this an unsustainable location for development as set out below.

- Paragraph 12 of the National Planning Policy Framework, December 2024 makes clear that "*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making."*

- The proposed development is outside of Ospringe settlement and would set a precedent, leading to further incremental encroachment into the open countryside. It would also harm the rural and village character of the area, encroaching further into the open countryside.

- Acceptance of greenfield development would create further challenges to the viability of vacant brownfield or allocated housing sites within the borough, including those allocated in the Faversham Neighbourhood Plan.

- Would result in the loss of Grade 2 'best and most versatile' agricultural land.

- Insufficient details submitted to understand the potential impact on protected landscapes.

- Lack of detail on proposed access, making the application currently invalid.

Principle of development:

Paragraph 12 of the National Planning Policy Framework (NPPF), December 2024 makes clear that:

> *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

The lack of 5-year housing supply within the borough is not a material consideration that would enable consent as it conflicts with the growth strategy of the adopted Bearing Fruits Local Plan as set out below.

The proposed development is outside of the established rural historic settlement of Ospringe and outside of Faversham Town. The adopted Local Plan policy DM9 sets the criteria for rural exception housing. This application fails to meet this policy by virtue that it does not demonstrate a need for housing through a site options appraisal, up to date housing needs assessment or statement of community involvement that demonstrates extensive work with the Parish Council. It also fails to meet the criteria of policy ST 3 as it is outside of a settlement and does not constitute minor infill or redevelopment of a brownfield site.

Furthermore, the detailed Agricultural Land Classification report, August 2025 submitted as part of the application makes clear that within the 4.6ha Study Area 3.1ha or 67.4% of the Study Area is grade 2 agricultural land. This is defined as 'best and most versatile'.

Natural environment:

FTC note the comments of Natural England who recently commented that:

"The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin."

FTC support the request made for additional information to understand the extent of any potential harm the development may have and should this be sufficient to refuse the application.

Movement and access:

The application is for outline consent with only the access details at this stage. However, the only detail relating to the proposed access is shown in the Transport Assessment, June 2025 Figure 4.1 'proposed site access junction'. There is currently insufficient information and detail to determine if the proposed location of the access is suitable.

The application seeks approval of access. However, the applicant has only provided details of the access into the application site with indicative details of the access routes within the

area of the outline application. "Access" in the context of outline applications for planning permission is clearly defined in article 2(1) of the TCP (Development Management Procedure) Order 2015:

> *""access", in relation to reserved matters, means the accessibility to **and within** the site, for vehicles, cycles and pedestrians in terms of the **positioning and treatment of access and circulation routes and how these fit into the surrounding network…**"*

As approval of access is sought, the applicant cannot limit the details provided to the access point(s) into the site from the public highway and provide only illustrative details of the access intended to be provided within the site.

An applicant for outline planning permission, where approval of access is sought at the outline stage, cannot provide details of only part but not the whole of the proposed access as defined in the 2015 Order.

For the avoidance of doubt, any suggestion that the outline application can refer to all matters being reserved "except for access" does not meet the issue set out above. Unlike the position in the TCP (General Development Procedure) Order 1995 (as originally enacted), "means of access" is no longer a reserved matter; "access" as defined in article 2(1) of the 2015 Order is a reserved matter.

"Access" as so defined may be reserved or approved at the outline stage however it is not possible through the vehicle of the description of development to seek approval for some element of "access" but not others.

The application should be invalidated until full details of the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network, has been submitted to the local planning authority. Only once this information has been received to the satisfaction of the local planning authority should the statutory public consultation period begin.

Planning Practice Guidance makes it clear that the only conditions which can be imposed when reserved matters are approved are conditions which directly relate to those reserved matters. Access is not a reserved matter. The local planning authority cannot therefore impose conditions on any subsequent reserved matters approval(s) requiring details of access to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network. Approval of access is being sought now, as part of this application.

The result of an outline planning permission approving access is that those accesses (meaning accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network) become fixed. They cannot be changed without another planning application.

A condition imposed on a planning application where approval of access is sought, requiring detailed plans of access arrangements to be submitted to the local planning authority for approval in the future, would be ultra vires as it would deny those with an interest in this planning application from commenting on them.

The right to comment on the access arrangements for this development should be conferred to the public before planning permission for those arrangements can be granted. The information supplied with the application does not adequately describe the matter for which approval is being sought, and consultees are being asked to comment on.

Applications for outline planning permission must be made in the prescribed form. The law, under s.327A of the Town and Country Planning Act (the Act) says the Local Planning Authority (LPA) must not entertain applications which fail to comply in form, manner or content with those prescribed requirements. According to the Encyclopaedia of Planning LPA's have no discretion here. "The test in s.327A is absolute". An invalid application does not constitute a planning application in the meaning of Articles 6 and 34 of the Town and Country Planning (Development Management Procedure) (England) Order 20015 (2015 DMPO). Article 34 of the 2015 DMPO states that a valid application shall not be taken as being received until such of the documents, particulars or evidence required to make it valid have been lodged with the LPA.

We also note the proposed additional carparking area and the intent to support a traffic free access route along footpath reference ZF10 to the school. Whilst the TC support active travel and making connections into existing PRoW there are concerns that agricultural vehicles will be forced onto Water Lane. We also support the comments of the Public Rights of Way and Access Service at Kent County Council to improve PRoW ZF10 to create an all-weather surface to ensure it is accessible to all users.

The Town Council's Active Travel Committee will submit a separate representation.

Conservation Area

The Conservation Officer is asked to comment on the impact this proposal will have on Syndale and Ospringe Conservation Areas.

Affordable Housing

Faversham Neighbourhood Plan – FAV 3 Residential Mix and Standards
2. Affordable housing provision should include:
a. 66% affordable rent;
b. 34% affordable ownership

Whilst the proposal does not meet the quotas in the FNP it is noted that they are higher then set targets.

Public Consultation

Members were disappointed that the developer did not engage local councils or the public before submitting the application