

Dear Planning Committee Member,

Please stand by the Committee's decision to refuse planning permission for residential development on land east of Kiln Barn Road and west of Hermitage Lane, Aylesford (TM/24/00372)

We understand that Officers are bringing this application back to Committee because of the potential risks of costs of defending any potential refusal of planning permission at appeal.

CPRE Kent urges members not to reverse their decision to refuse planning permission on the grounds of the risk of costs at appeal.

The risk of appeal costs is not a reason to grant planning permission.

Costs are not awarded simply because a Council loses an appeal. The issue is whether the Council has acted unreasonably and whether that conduct has caused unnecessary expense.

Members should therefore focus on whether the refusal can be supported by clear planning reasons and evidence, not on avoiding any possibility of an appeal.

There is a strong and defensible basis for refusal

This planning application is an unallocated scheme for up to 1,300 homes in the countryside. It would permanently commit a very large site before the Council has completed its Local Plan process and before fundamental questions have been satisfactorily resolved, as set out below:

- minerals sterilisation - KCC's Minerals and Waste Planning Policy Team concluded in June 2026 that the case for an exemption from prior extraction remained unproven against criteria 3 and 7 of Policy DM7. The site contains safeguarded Kentish Ragstone, a scarce and strategically important hard rock resource. Granting planning permission would permanently sterilise it
- best and most versatile agricultural land - the proposed development would cause the extensive and irreversible loss of productive agricultural land, including Grade 2 and subgrade 3a land. That harm is not temporary and cannot be recreated elsewhere
- Affordable housing - the proposed scheme does not provide the adopted policy requirement of 40 per cent affordable housing. A development of this scale should not be allowed to use the cost of its own infrastructure to justify a major shortfall in one of its claimed public benefits
- Heritage - Members identified harm arising from the Sustainable Movement Corridor to the setting of the Grade I listed Church of St James the Great. This is a matter to which considerable importance and weight must be given
- Water supply and delivery - the development depends on off-site infrastructure reinforcement works that have not yet been defined or secured. A planning condition cannot turn an uncertain and potentially substantial infrastructure solution into evidence that the site is sustainable or deliverable

The Kent branch of the Campaign to protect Rural England exists to protect the beauty, tranquillity and diversity of the Kent countryside

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The claimed housing benefit does not outweigh these harms

The Council's housing land supply position is important, but it does not make every housing proposal acceptable. This outline planning application is not likely to provide a rapid solution.

A development of 1,300 homes will require reserved matters approvals, major infrastructure and a long build-out period. Its contribution in the next five years is therefore likely to be limited, while the loss of minerals, agricultural land and heritage setting would be permanent.

Members are the decision-makers

Officers are entitled to advise Members firmly about appeal risk. However, many of the issues before the Committee require matters of planning judgement, including the weight to be given to competing harms and benefits.

Reasonable decision makers can examine the same evidence and reach different conclusions.

Members are therefore entitled to depart from the Officer recommendation, provided that they identify genuine material planning harms, explain the balance they have struck and ensure that each reason for refusal is clearly expressed and supported by evidence.

A disagreement with Officers, or the subsequent allowing of an appeal, would not in itself amount to unreasonable behaviour.

Costs arise only where the Council has acted unreasonably and that conduct has caused unnecessary or wasted expense, for example by advancing a reason for refusal that it cannot substantiate.

The proper response to concern about the present reasons for refusal (as suggested by the Committee) is therefore to refine and strengthen any defensible reasons, not to grant planning permission for a development that Members have reasonably concluded is unacceptable.

CPRE Kent therefore asks you to stand by the Committee's resolution and refuse planning permission.

At the very least, the application should be deferred rather than approved until the minerals, water supply, heritage, agricultural land and affordable housing issues have been properly resolved.

Yours faithfully,

Andrea Griffiths

Director, CPRE Kent