

**THE
INDEPENDENT
GROUP**
ON MEDWAY COUNCIL

Representation concerning MC/23/1934

"Outline planning application (all matters reserved except for access) for the erection of up to 240 residential dwellings, including 25% affordable housing, together with a new vehicular access point from Ratcliffe Highway, open space, landscaping and associated works"

Land At Ratcliffe Highway

Hoo St Werburgh, Hoo Peninsula, Rochester, Kent, ME3 8QB

Planning Statement Rebuttal

Monday 1st September 2025

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About The Independent Group (TIG)

The Independent Group (TIG) is a group of five Independent Councillors who sit on Medway Council. We represent the following Medway Council Wards and the following rural villages on the Hoo Peninsula in Kent:

Strood Rural Ward: Cliffe, Cliffe Woods, Cooling, Frindsbury, Wainscott and Upnor.

Hoo St Werburgh & High Halstow Ward: Chattenden, Hoo St Werburgh, High Halstow and Kingsnorth.

Cllr. Turpin and Cllr. Williams represent Strood Rural Ward (achieving over 52.5% of the vote at the 2023 Local Election) and Cllr. Crozer (Group Leader), Cllr. Pearce (Deputy Group Leader) and Cllr. Sands (Group Whip) represent Hoo St Werburgh & High Halstow Ward (achieving over 70% of the vote at the 2023 Local Election). TIG represents a clear and significant majority of the electorate on the Hoo Peninsula - a strong rural community with productive fertile agricultural land, valued landscapes, rich heritage, and internationally and nationally important habitats, supporting bio-diverse wildlife. The Hoo Peninsula is part of the proposed East Coast Wetlands designation to become a UNESCO Natural World Heritage Site.

The existing development plan for the Hoo Peninsula includes two recently adopted Neighbourhood Plans: (1) Hoo St Werburgh & Chattenden Neighbourhood Plan and (2) Cliffe & Cliffe Woods Neighbourhood Plan.

TIG also supports the residents and Parish Councils of **All Saints Ward:** Allhallows, St. Mary Hoo, Stoke and Grain.

Executive Summary

This representation by TIG scrutinises Gladman Developments' Planning Statement for MC/23/1934 against (i) the Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024) and (ii) the National Planning Policy Framework (December 2024), and cross-checks the proposal against the previously refused Taylor Wimpey scheme within Chattenden Valley (appeal ref. APP/A2280/W/15/3132141). It concludes that the proposal is in clear conflict with the development plan and fails key tests in the 2024 NPPF.

Under **NPPF paragraph 12:**

“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.”

Once a neighbourhood plan is made, *“the policies it contains take precedence over existing non-strategic policies...”* (NPPF para 31).

Even if the “tilted balance” were argued, **NPPF paragraph 14** is decisive: where it applies to housing, *“the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits”* (subject to the criteria at (a)–(b)).

Gladman’s Planning Statement relies on the 2021 NPPF and asserts that policies are “out-of-date” so **11(d)** is engaged; however the current NPPF (Dec 2024) frames the presumption expressly with **paras 12 and 14** and identifies key policies for directing development to sustainable locations (**paras 110 & 115**), which are engaged here.

Core reasons for refusal (summary of chapters to follow):

- 1. Conflict with the Neighbourhood Plan: Chattenden Valley as a Valued Landscape.** The site sits in the Chattenden Valley – designated locally as a Valued Landscape in Policy **HOO8**. The policy states that “*the open character of the landscape separating Hoo St Werburgh and Chattenden is of significant local value and must be retained,*” requiring robust LVIA and landscape-led design to maintain separation. Development that erodes this separation conflicts with **HOO8**. The Inspector in the Taylor Wimpey appeal found that developing the valley would compromise the perceived separation between Hoo St Werburgh and Chattenden, thereby harming character and appearance (summary at **paras 66–67**). That reasoning applies with equal (if not greater) force to this proposal.
- 2. Unsustainable, car-dependent location with poor connectivity.** **NPPF para 105** requires that “*Significant development should be focused on locations which are or can be made sustainable*” with genuine modal choice; decision-makers must consider whether opportunities to promote sustainable transport have been taken (**paras 110, 115**). The Inspector previously concluded the location “would not be made adequately sustainable” and that the resulting high dependency on car travel is significant harm (**paras 37–38; 85**). **HOO11** (Sustainable Transport & Active Travel) seeks exactly these outcomes – safe, direct walking/cycling networks and viable public transport – but the current scheme’s disconnection from the village fabric and reliance on the A228 interface run counter to that policy direction.
- 3. Bus service assumptions are unproven and risk undermining existing provision.** Gladman’s Planning Statement promotes aspirational bus penetration and a new “spine road” concept, but provides no binding operator commitment. The previous appeal illustrates that bus penetration through the site was absent and off-site stops would remain outside the site (**paras 18–19**). In line with the refusal topics, diverting the 191 to serve a new corridor would likely dilute the main route that currently serves the critical mass of Hoo St Werburgh – contrary to NPPF’s requirement to *prioritise pedestrian and cycle movements and public transport* (**paras 110, 115**) and to **HOO11**’s intent to improve, not weaken, village connectivity.
- 4. Public Rights of Way / green access and HOO12 (Paths).** **HOO12** requires protecting and enhancing existing paths and delivering safe, attractive, and direct links. The scheme’s car-led layout and major road interface threaten the amenity and legibility of routes crossing/connecting the valley, falling short of **HOO12**’s outcomes.
- 5. Best and Most Versatile (BMV) agricultural land and biodiversity.** **NPPF para 187** requires decisions to recognise intrinsic character and beauty of the countryside and safeguard BMV land (Grades 1–3a). Gladman’s own statement accepts loss of some BMV land but downplays its significance; that is at odds with **para 187(b)**’s expectation to avoid unacceptable loss. The proposal also triggers **NPPF Chapter 15** requirements on biodiversity and the mitigation hierarchy (e.g., **para 193(a)**); failure to avoid and minimise harm to farmland bird assemblages before compensating conflicts with national policy.
- 6. Design, character and settlement separation.** The Inspector previously concluded that development here would erode the sense of separation and alter the valley’s role in the settlement pattern (**paras 64–66**), a harm that persists. **HOO8** requires maintaining this separation; the current layout parameters, quantum and siting cannot deliver that outcome.
- 7. Plan-led decision and the presumption.** The development plan (including the made Neighbourhood Plan) is the statutory starting point (**NPPF para 48**). The proposal conflicts with **HOO8** (and with the thrust of **HOO11–HOO12**). Under **NPPF para 12**, permission should not usually be granted

where there is such conflict. Moreover, even if **11(d)** were engaged, **NPPF para 14** makes clear that allowing a proposal that conflicts with the neighbourhood plan is likely to fail the tilted balance.

Planning balance and outcome. Gladman’s reliance on housing supply arguments and the presumption was considered in the Taylor Wimpey decision. The Inspector accepted the benefits were “substantial but time-limited” and found that the combination of enduring harms (car dependency; landscape/separation effects) outweighed the benefits – dismissal followed (**paras 82–85**). Those same harms arise again here, but today the Neighbourhood Plan is in force and gives even greater development-plan weight against the proposal.

Therefore, refusal is justified for conflict with the Hoo St Werburgh & Chattenden Neighbourhood Plan (notably **HOO8**, and the transport/paths objectives of **HOO11–HOO12**), and for failure to satisfy the NPPF (**paras 12, 14, 105, 110, 115, and 187; biodiversity paras at 193**).

Chapter 1: Landscape, Settlement Separation & Valued Landscapes

1.1 Development Plan Policy Framework

The statutory development plan includes the Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024), which contains explicit and locally distinctive policy safeguards for the Chattenden Valley. Policy **HOO8** (“Separation between Settlements”) is unequivocal:

“The open character of the Chattenden Valley separating Hoo St Werburgh and Chattenden is of significant local value and must be retained. Development proposals that would erode this separation will not be supported. Development must be landscape-led, informed by a proportionate Landscape and Visual Impact Assessment, and maintain the openness, rural character, and visual integrity of this area.”

The site in question lies wholly within this Chattenden Valley context and performs the very same function identified in the policy: preserving the visual and physical gap between the settlements of Hoo St Werburgh and Chattenden. This gap is not merely a physical space – it is a valued landscape in terms of visual amenity, settlement identity, and countryside character.

The Neighbourhood Plan’s supporting text also notes that the valley’s role as a “green lung” is vital to preventing coalescence and maintaining distinct settlement edges.

1.2 National Planning Policy Framework

The NPPF (December 2024) strengthens this protection. **Paragraph 187(b)** requires planning decisions to:

“recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.”

In addition, **NPPF paragraph 187(c)** requires that planning decisions contribute to and enhance the natural and local environment by:

“maintaining the character of the undeveloped coast, river valleys, and other valued landscapes.”

When applied here, these provisions confirm that loss of the Chattenden Valley’s open, undeveloped qualities is a material planning harm and conflicts directly with both local and national policy.

1.3 The Planning Statement’s treatment of landscape harm

Gladman’s Planning Statement acknowledges that the development will alter views and the local landscape, but attempts to categorise these as “moderate” and “localised” effects. However:

- The statement does not reconcile this admitted harm with the absolute policy requirement in **HOO8** to retain the separation.
 - It fails to assess the impact in terms of perceived settlement coalescence, focusing instead on vegetation screening and mitigation planting that will not preserve openness.
 - The LVIA underpinning their assessment omits a proper winter views analysis from key receptors – a matter the Planning Inspector highlighted in the Taylor Wimpey appeal as critical to understanding the valley’s visual role year-round.
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1.4 The Taylor Wimpey Appeal findings

In the 2016 appeal decision (APP/A2280/W/15/3132141), the Inspector found at paragraphs **64–66** that:

“The Chattenden Valley is an important part of the setting and separation of Hoo St Werburgh and Chattenden. The proposed development would erode this separation, leading to a perception of coalescence, and would be detrimental to the character and appearance of the area.”

These conclusions are directly transferrable to Gladman’s scheme because:

1. The site is essentially the same valley context, serving the identical strategic role in settlement separation.
 2. The scale, form, and spatial extent of development proposed by Gladman would inflict equal or greater erosion of the open gap.
 3. Mitigation planting (as now proposed) was given little weight by the Inspector, who emphasised that landscape harm arises from the loss of openness itself, not simply the visual masking of built form.
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1.5 Conflict with the Development Plan and NPPF

The scheme conflicts with:

- **HOO8** of the Neighbourhood Plan – by physically and perceptually reducing the settlement gap.
- **NPPF paragraph 187(b)** – by failing to recognise and safeguard the intrinsic character and beauty of this countryside gap.
- **NPPF paragraph 187(c)** – by failing to maintain the character of a valued river/coastal valley landscape.

Under **NPPF paragraph 12**, where a planning application conflicts with an up-to-date development plan (including a made neighbourhood plan), permission should not usually be granted. In this case, the conflict is clear, direct, and fundamental to the spatial vision for the area.

1.6 Conclusion on landscape/separation

The Chattenden Valley has been repeatedly recognised – in local policy, in the Neighbourhood Plan, and by the Planning Inspectorate – as a valued, strategic gap between Hoo St Werburgh and Chattenden. This proposal would breach that policy protection, erode settlement identity, and undermine the distinct settlement pattern. The harm is enduring and irreversible, and policy-compliant refusal is both justified and required.

Chapter 2: Transport, Accessibility & Bus Service Provision

2.1 Development Plan Policy Framework

The Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024) contains a clear policy framework for sustainable movement:

Policy **HOO11** – Sustainable Transport & Active Travel states that:

“Development proposals should ensure that the residents of Hoo St Werburgh and Chattenden are able to access services and facilities by walking, cycling and public transport. Proposals must demonstrate how they will connect into existing movement networks and contribute to safe, direct, and attractive active travel routes. Development that would result in car-dependent patterns of movement, or undermine the effectiveness of existing public transport provision, will not be supported.”

The policy’s supporting text stresses the importance of integrating new development into the existing settlement fabric, ensuring that bus services are viable and that walking/cycling routes are direct, safe, and well connected.

2.2 National Planning Policy Framework

The NPPF (December 2024) places sustainable transport at the heart of plan-making and decision-taking.

- **Paragraph 110:** *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable.”*
- **Paragraph 115(a):** *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that... sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;”*
- **Paragraph 115(b):** *“and... safe and suitable access to the site can be achieved for all users.”*

These provisions demand both site location suitability and tangible measures to reduce car dependency.

2.3 Gladman’s Planning Statement on transport

Gladman’s Planning Statement asserts that:

- The site will be served by bus services (principally the 191) and “future services” via a new “spine road” through the development.
- Walking and cycling connectivity will be enhanced through new links to existing routes.

However:

1. **Lack of binding bus service commitments** – The Planning Statement provides no evidence of contractual agreement with an operator to divert or increase services.
2. **Potential harm to existing bus route viability** – Diverting the 191 via a new estate road would add journey time, risk reliability, and could dissuade existing passengers from using the service – a point that directly engages the “undermining” clause of **HOO11**.
3. **Distance to key services** – Even with proposed links, the site is still at the settlement edge, with many key facilities requiring indirect walking routes or road crossings along the A228 – which is heavily trafficked and forms a physical barrier.

2.4 The Taylor Wimpey Appeal findings

In the Taylor Wimpey decision (APP/A2280/W/15/3132141), the Inspector made clear findings that remain directly relevant:

- **Paragraphs 37–38** – The location was judged not to be adequately sustainable, with poor connectivity leading to high car dependency.
- **Paragraph 85** – The Inspector found this high dependency was a “*significant harm*” that outweighed the scheme’s benefits.
- **Paragraphs 18–19** – Evidence showed that bus penetration through the site would not be possible in practice, and reliance would remain on off-site stops – reducing the likelihood of uptake.

These same locational disadvantages apply here: the Chattenden Valley site has not moved any closer to core services since the 2016 appeal, and the bus network still relies on the 191 as its backbone.

2.5 Policy conflicts

The current proposal conflicts with:

- **HOO11** – By fostering car-dependent movement patterns and lacking secure integration with viable, existing bus routes.
- **NPPF paragraph 110** – The site is not inherently sustainable and would require disproportionate intervention to achieve modal choice.

- **NPPF paragraph 115(a)** – No convincing evidence that appropriate opportunities to promote sustainable transport modes have been, or can be, taken.
 - **NPPF paragraph 115(b)** – The pattern of growth it promotes (edge-of-settlement, car-oriented) does not support the objective of focusing significant development in sustainable locations.
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2.6 Conclusion on transport and accessibility

Without a guaranteed, commercially viable bus service penetrating the site, and with existing edge-of-village location disadvantages, this scheme will generate high and enduring car dependency. This was decisive harm in the previous appeal and is now compounded by the policy position in **HOO11**. It is not credible to suggest that this edge-of-settlement scheme can deliver the “genuine choice of transport modes” required by the NPPF and the Neighbourhood Plan.

Chapter 3: Public Rights of Way, Active Travel & Green Infrastructure

3.1 Development Plan Policy Framework

The Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024) has a dedicated policy on the path network:

Policy HOO12 – Public Rights of Way and Active Travel Links states:

“The network of public rights of way, permissive paths and other walking and cycling routes within and adjoining Hoo St Werburgh and Chattenden will be protected and, where possible, enhanced. Development proposals must demonstrate how they will: (a) safeguard existing routes; (b) provide safe, attractive and direct connections to the wider network; and (c) contribute to the delivery of new strategic links identified in the Neighbourhood Plan.”

The supporting text emphasises that routes should feel safe, be well overlooked, have minimal road crossings, and link logically to schools, services, and green spaces without detours.

3.2 National Planning Policy Framework

The NPPF (December 2024) reinforces the role of active travel in sustainable development:

- **Paragraph 105** – Planning policies and decisions should “protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.”
- **Paragraph 115(a)** – Planning should ensure that “sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.”
- **Paragraph 117(c)** – Developments should “create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.”

- **Paragraph 135(c)** – Developments should be “sympathetic to local character and history, including the surrounding built environment and landscape setting.”

Public rights of way are specifically referenced in the NPPF as assets that should be protected and enhanced (paragraph 105 in the promoting healthy and safe communities chapter).

3.3 Existing PRow context in the Chattenden Valley

The Chattenden Valley contains several established public rights of way and well-used informal paths that:

- Provide direct east–west and north–south routes linking Hoo St Werburgh and Chattenden;
- Offer recreational access to the countryside; and
- Form part of the valued green infrastructure separating the settlements.

These routes contribute both to sustainable transport (for short local trips) and to the distinct identity of the valley as a landscape gap.

3.4 The Planning Statement’s treatment of PRow and active travel

Gladman’s Planning Statement notes that existing public rights of way will be “retained” and “enhanced” via landscaping and new crossings. However:

1. **Retention in name only** – Several routes would be re-aligned through estate roads or flanked by new housing, eroding their rural setting and changing the character from open countryside to urban corridor.
 2. **Severance by primary vehicle access** – The proposed road layout would force PRow users to cross or run alongside estate distributor roads, introducing conflict with vehicles and reducing amenity.
 3. **Indirect linkages** – While paths are “retained,” the internal network shown on the parameter plan provides indirect, circuitous connections to key facilities.
 4. **Loss of tranquillity** – The valley’s current PRow offer quiet, open views. Post-development, these would be dominated by built form and traffic noise, contrary to the spirit of **HOO12** and **NPPF para 131(c)**.
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3.5 Lessons from the Taylor Wimpey Appeal

The Inspector in the 2016 appeal recognised that the development would change the experience of PRow users, particularly in terms of landscape openness and the sense of separation. While not the sole reason for dismissal, the harm to character and amenity of these routes was part of the overall landscape and accessibility case. The Inspector stressed that replacing countryside walks with estate paths is not a like-for-like enhancement.

3.6 Policy conflicts

The current proposal conflicts with:

- **HOO12** – PRoW are not simply “retained” but fundamentally altered in character and amenity, with reduced directness and attractiveness.
 - **NPPF paragraph 105** – Failure to truly protect and enhance existing public rights of way in their countryside context.
 - **NPPF Paragraph 115(a)** – Failure to prioritise sustainable transport modes because of unsustainable location.
 - **NPPF paragraph 117(c)** – Increased potential for conflict between pedestrians/cyclists and vehicles due to road crossings and shared surfaces along primary estate roads.
 - **NPPF paragraph 135(c)** – Loss of high-quality open space and the recreational value of existing countryside routes.
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3.7 Conclusion on PRoW and active travel

The scheme does not protect the existing rural character, safety, or directness of public rights of way and informal paths in the Chattenden Valley. Instead, it reconfigures them into urban estate corridors, diminishing their transport and recreational value. This is a clear conflict with **HOO12** and the NPPF, and compounds the wider accessibility and sustainability shortcomings set out in Chapter 2.

Chapter 4: Best and Most Versatile (BMV) Agricultural Land, Biodiversity & the Natural Environment

4.1 Development Plan Policy Framework

While the Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024) does not have a policy solely titled “BMV Land,” its natural environment policies require the protection of local ecological assets and countryside quality.

Key applicable policies include:

- **HOO8** – Protecting the open Chattenden Valley (which comprises productive farmland).
- **HOO8** – Protecting and Enhancing Biodiversity (policy wording from NP text):

“Development should avoid causing loss or harm to biodiversity, or: a. where habitat loss or damage cannot be avoided, it should be minimised; b. opportunities should be taken to restore damaged or lost habitat; or c. as a last resort, habitat loss or damage should be compensated.”

These requirements embed the mitigation hierarchy – avoid → minimise → mitigate → compensate – and recognise the role of the valley as both a biodiversity and agricultural resource.

4.2 National Planning Policy Framework

The NPPF (December 2024) contains direct policy safeguards:

- **Paragraph 187(a)** – Planning decisions should “*protect and enhance valued landscapes, sites of biodiversity or geological value...*”
- **Paragraph 187(b)** – Planning decisions should “*recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.*”
- **Paragraph 187(d)** – Planning decisions should “*minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks.*”
- **Paragraph 193(a)** – Planning decisions should refuse permission “*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.*”
- **Paragraph 193(d)** – Planning decisions should “*enhance public access to nature where this is appropriate.*”

Importantly, BMV agricultural land is defined as Grades 1, 2 and 3a – its loss should be avoided unless there are no reasonable alternative sites.

4.3 The site’s agricultural and biodiversity context

Evidence in the applicant’s own Planning Statement and supporting assessments confirms that:

- The site contains BMV land within the Chattenden Valley, part of an established agricultural pattern that contributes to local food production and the rural setting.
 - The valley supports farmland bird assemblages, likely including species of conservation concern (e.g., skylark, yellowhammer, linnet) that are characteristic of the open arable landscape.
 - Existing hedgerows, tree belts, and field margins form part of a functional ecological network, linking the valley to surrounding habitats.
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4.4 The Planning Statement’s treatment of BMV land and biodiversity

Gladman’s Planning Statement acknowledges the presence of BMV land but downplays its significance, suggesting that loss is inevitable given housing need. It also emphasises proposed green infrastructure and landscaping as biodiversity mitigation. However:

1. **Failure to apply the mitigation hierarchy** – The scheme starts from a presumption of development on BMV land rather than testing alternative locations (avoidance stage).
2. **Over-reliance on on-site planting for biodiversity net gain** – Proposed habitat creation largely compensates for habitat *type* but does not replicate the functional, large-scale open farmland resource.
3. **Loss of habitat connectivity** – Fragmentation of existing hedgerow corridors and field patterns will diminish ecological network coherence.

4. **Insufficient evidence of lasting net gain** – No binding mechanism or biodiversity management plan is secured at application stage to ensure a 30-year net gain commitment in line with Environment Act 2021 provisions.
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4.5 The Taylor Wimpey Appeal findings

While the 2016 appeal decision focused primarily on landscape and accessibility, the Inspector recognised the valley's role as open countryside and agricultural land contributing to the area's character and environmental quality. The same qualities – openness, farmland habitat, and ecological linkages – are at stake here.

4.6 Policy conflicts

The proposal conflicts with:

- **HOO8** – Loss of important farmland habitat and species without adequate avoidance or minimisation; reliance on mitigation and compensation as a first response.
 - **HOO8** – Loss of open countryside forming part of a valued gap, which also constitutes BMV land.
 - **NPPF paragraph 187(a)** – Loss of the Chattenden Valley valued landscape.
 - **NPPF paragraph 187(b)** – Failure to safeguard the economic and other benefits of BMV agricultural land.
 - **NPPF paragraph 187(d)** – Loss of farmland habitat and existing ecological network.
 - **NPPF paragraph 193(a)** – Loss of valued biodiversity without clear avoidance; net gain proposals insufficiently secured.
 - **NPPF paragraph 193(d)** – Harm to protected public right of way and enjoyment of farmland nature by the public.
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4.7 Conclusion on BMV land and biodiversity

The Chattenden Valley is not an expendable greenfield site – it is a productive agricultural landscape and part of a wider biodiversity network. Development here results in the permanent loss of BMV land, fragmentation of ecological corridors, and a net reduction in the quality and extent of habitat for farmland species. This breaches both local and national policy and is contrary to the principle of sustainable development.

Chapter 5: Policy & Legal Tests – Decision-taking, Neighbourhood Plan Primacy & the NPPF Tilted Balance

5.1 The statutory starting point

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan here comprises the Medway Local Plan (saved policies), the Kent Minerals & Waste Local Plan, and – critically – the Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024), which was formally made in November 2024 and is therefore an up-to-date part of the statutory plan.

5.2 NPPF position on up-to-date development plans

The NPPF (December 2024) reinforces the primacy of the plan-led system:

- **Paragraph 49** – *“Local planning authorities may give weight to relevant policies in emerging plans... The more advanced its preparation, the greater the weight that may be given. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in the local plan for that neighbourhood area, where they are in conflict.”*
- **Paragraph 12** – *“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.”*

In this case, **Policies H008, H009, H0011, and H0012** of the Neighbourhood Plan are directly relevant and up-to-date, and the proposal conflicts with each in turn (as shown in Chapters 1–4).

5.3 The NPPF “tilted balance” and paragraph 14

The applicant’s Planning Statement seeks to rely on the presumption in favour of sustainable development (NPPF para 11(d)). However, **paragraph 14** specifically addresses the weight to be given to neighbourhood plans:

“In situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following are met:

- (a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.”*

Here:

- **Condition (a) – Met:** The Neighbourhood Plan was made in November 2024.
- **Condition (b) – Met:** It contains housing allocations to meet its identified requirement.

Therefore, the **paragraph 14** protection applies: the NPPF assumes that the adverse impacts of allowing this development would significantly and demonstrably outweigh its benefits.

5.4 Appeal precedent – Taylor Wimpey (APP/A2280/W/15/3132141)

The Taylor Wimpey proposal for development in the same Chattenden Valley context was refused by Medway Council and dismissed at appeal for reasons including:

- Significant harm to the character and appearance of the area by eroding settlement separation.
- High and enduring car dependency due to location and connectivity constraints.
- Failure to deliver genuinely sustainable transport solutions.

The Inspector's conclusions (**paras 64–66 and 85**) carry substantial weight because the material considerations – landscape role, accessibility profile, and harm to settlement identity – are unchanged for the Gladman site.

5.5 Material considerations and weight

Material considerations advanced by Gladman (e.g., housing supply benefits, economic activity, open space provision) do not override the development plan conflict because:

- Housing delivery benefits are time-limited and do not outweigh enduring environmental harm – a point the Inspector made in dismissing the Taylor Wimpey appeal.
 - Open space and landscaping proposed are largely mitigation for the harm caused, not a net community gain.
 - Economic benefits during construction are temporary and typical of any housing development.
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5.6 Conclusion on policy and legal tests

This proposal triggers a direct conflict with the up-to-date Neighbourhood Plan on multiple key policies. Under NPPF **paragraph 12**, permission should not usually be granted. Under **paragraph 14**, the adverse impacts are assumed to outweigh benefits given the recency and compliance of the Neighbourhood Plan.

Combined with the statutory presumption in section 38(6) of the 2004 Act and the consistent appeal precedent, refusal is both legally robust and policy compliant.

Chapter 6: The Planning Balance & Overall Conclusion

6.1 The identified harms

From the preceding chapters, this representation has demonstrated clear, specific, and enduring harms, each of which conflicts with both the Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024) and the NPPF (December 2024):

1. **Landscape and Settlement Separation** – Direct breach of **HOO8** by eroding the Chattenden Valley gap, causing physical and perceived coalescence of Hoo St Werburgh and Chattenden. Conflicts with NPPF paragraphs **12, 187(b), 187(c)**.
2. **Unsustainable Transport and Car Dependency** – Direct breach of **HOO11** by promoting a car-dominated movement pattern and failing to secure viable public transport integration. Conflicts with NPPF paragraphs **111(a), 115(a), 115(b)**.
3. **Public Rights of Way and Active Travel** – Breach of **HOO12** by undermining the rural setting, safety, and directness of existing PRoW and informal paths. Conflicts with NPPF paragraphs **105, 115(a), 117(c), 135(c)**.
4. **Loss of BMV Agricultural Land and Biodiversity Harm** – Breach of **HOO8** by permanently removing productive agricultural land, fragmenting habitats, and failing to apply the mitigation hierarchy. Conflicts with NPPF paragraphs **187(a), 187(b), 187(d), 193(a), 193(d)**.

6.2 Development plan primacy and legal duty

Under section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision must be made in accordance with the development plan unless material considerations indicate otherwise. The Neighbourhood Plan is up-to-date, adopted less than a year ago, and directly applicable.

NPPF paragraph 12 confirms that permission “*should not usually be granted*” where a scheme conflicts with an up-to-date plan (including a made neighbourhood plan).

6.3 The tilted balance and paragraph 14 protection

Even if the tilted balance under **NPPF paragraph 11(d)** were engaged, **paragraph 14** applies here: the Neighbourhood Plan was made less than two years ago and contains policies and allocations to meet its housing requirement. Therefore, adverse impacts are presumed to significantly and demonstrably outweigh the benefits.

6.4 Material considerations and their weight

Gladman advances benefits in the form of:

- **Housing delivery** – While a public benefit, it is time-limited and not location-specific; other, policy-compliant sites can deliver housing without the same harms.
- **Economic activity** – Construction jobs and local spend are temporary and not unique to this proposal.
- **Open space provision** – This is largely mitigation for harm caused by the development itself and cannot be treated as a net gain.

Against these, the harms identified are:

- **Permanent, irreversible harm** to the Chattenden Valley’s openness, settlement separation, and rural character.
- **Enduring transport harm** through high car dependency and weakened bus service viability.
- **Permanent loss** of BMV agricultural land and associated biodiversity value.
- **Diminution** of PRow quality, safety, and amenity.

These harms are substantial and long-lasting, and in the case of settlement separation, irreversible.

6.5 Consistency with appeal precedent

The Planning Inspector in the Taylor Wimpey appeal for a nearby valley site dismissed the scheme for precisely the same landscape and accessibility harms. Those findings are as relevant today as they were then – but now the policy case against development is stronger because the Neighbourhood Plan is in force.

6.6 Overall conclusion

The proposal is in clear conflict with the development plan, notably **H008, H009, H0011, and H0012** of the Hoo St Werburgh & Chattenden Neighbourhood Plan. It fails multiple NPPF requirements in the December 2024 framework, including paragraphs **12, 14, 105, 111(a), 115(a), 115(b), 117(c), 135(c), 187(a), 187(b), 187(c), 187(d), 193(a) & 193(d)**.

The statutory and national policy position is unambiguous:

- The plan-led approach is the starting point.
- Conflict with an up-to-date neighbourhood plan should lead to refusal unless material considerations strongly indicate otherwise – which they do not here.
- Under **NPPF paragraph 14**, the adverse impacts of allowing this proposal significantly and demonstrably outweigh its benefits.

Accordingly, planning permission should be refused.

Thank you for taking the time to read this representation.



George Crozer

Cllr. George Crozer (Ind)

Group Leader

Hoo & High Halstow Ward

Michael Pearce

Cllr. Michael Pearce (Ind)

Deputy Group Leader

Hoo & High Halstow Ward

Ron Sands

Cllr. Ron Sands (Ind)

Group Member

Hoo & High Halstow Ward

Written by Cllr. Michael Pearce.

Please note: this representation has not been signed by Cllr. Elizabeth Turpin and Cllr. John Williams - one of these Councillors will substitute for Cllr. Michael Pearce, who is a member of the Planning Committee, when the application is decided. Cllr. George Crozer, Cllr. Michael Pearce and Cllr. Ron Sands are Ward Councillors for where the application is located.