

Ref. 16/503157/FULL

Local Representations

Further representations on the application have been made on behalf of the Trustees of Leeds Castle Foundation as follows:

It is the Leeds Castle Foundation belief that:

- a) The land has never been subject to a planning application for the use to which it is now used, and is therefore being operated illegally as a business; and/or
- b) That if a planning application was submitted and granted, that Leeds Castle was not invited to comment on the application; and
- c) Had Leeds Castle been invited to comment on the application, Leeds Castle would have objected in the strongest possible terms.

The representations state that the continued use of this area as a motocross site is having a significant impact on that part of the Leeds Castle estate which lies in close proximity, and could, ultimately, lead to a significant reduction in the value of the trading operation at Leeds Castle, and serves to jeopardise the Foundation's objective to preserve the Castle and its estate for the benefit of the public.

The representations further state that not only does the Leeds Castle Foundation believe that the Operation of a Motocross site at Forge House, available for public use, is without the appropriate planning permission and therefore illegal, but is in breach of restrictive covenants benefiting Leeds Castle.

Officer Comment

The further representations made on behalf of the Trustees of Leeds Castle Foundation do not raise any new planning issues which were not raised in the previous representations which are addressed in the officers report.

It would appear that the existing motocross track use has become lawful from a planning point of view by virtue of the length of time (10 years or more) the use has been in existence. The existing motocross track use does not form part of the current planning application which relates to the access track from Ashford Road to motocross track to the south of the road only.

The regrading of the land levels to part of the access track off Ashford Road to improve access to the motocross track to the south of the road is not considered to impact on any neighbouring property, including the adjoining Leeds Castle site.

Restrictive covenants are not a matter for planning consideration. A grant of planning permission does not override any restrictions imposed by covenants.

Representations from Councillor Harwood

Representations on the retrospective application have been received from Councillor Harwood which are summarised as follows:

- The groundworks and changing of land levels on this highly visible site, including the grubbing out of large old hawthorns, did not have the benefit of an ecological survey because of its retrospective nature. Prior to the recent intensification of off-road motorcycle activity and car storage on this site, which was formerly characterised by rough horse pasture, it supported a significant flora and fauna (including cinnabar moth, feeding on the formerly abundant stands of common ragwort, and legally protected viviparous lizard, grass snake and slow worm). All of these species are still found on the adjacent Kent Wildlife Trust highway verge nature reserve.
- The recently grubbed out hawthorns would also have provided a nesting and feeding resource for birds and invertebrates.
- In light of the above, it is strongly suggested that some form of ecological mitigation is reasonable to comply with the letter of the NPPF i.e. *minimising impacts on biodiversity and providing net gains in biodiversity where possible*.
- The land level changes for which retrospective planning permission is sought have significantly increased the negative landscape impact and visibility of vehicular movements and ranks of parked transit vans and other vehicles on the land.
- To address both the biodiversity and landscape issues it is suggested that a landscaping condition should form part of any planning permission requiring the introduction of a 5m wide belt of native shrub planting such as hawthorn, blackthorn, hazel and silver birch inside the boundary fence line of the field fronting Chegworth Road.
- In the longer term, such a landscape buffer would also soften the impact of the motorcycle activity, frequent land re-profiling by diggers and car storage on the site.

Officer Comment

The existing motocross track use and the vehicle parking/storage use of the land do not form part of the current planning application which relates to the access track from Ashford Road to motocross track to the south of the road only. The vehicle parking/storage use on the land is subject to ongoing investigation by Planning Enforcement.

The suggested landscaping condition to secure a belt of native shrub planting along the boundary line of the field fronting Chegworth Road can be imposed on any retrospective grant of planning permission in order to safeguard and enhance the biodiversity interests of the site and in the interests of the visual amenities of the area.

RECOMMENDATION

The recommendation to GRANT planning permission remains unchanged but is subject to the following amended and additional conditions:

- 1) Within 3 months of the date of this retrospective permission, documentary evidence shall be submitted to the Local Planning Authority for approval to demonstrate that all imported material is suitable for use for the regrading of the land carried out and came from a recognised and registered source. The documentary evidence submitted shall include details of the content of the fill;

Reason: In order to ensure that land and groundwater contamination is prevented.

2) Within 3 months of the date of this retrospective permission, details of a scheme of native shrub planting along the boundary fence line of the field fronting Chegworth Road, including a programme for the approved scheme's implementation and long term management, shall be submitted to the Local Planning Authority for approval. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The scheme shall be carried out in accordance with the approved details;

Reason: In order to safeguard and enhance the biodiversity interests of the site and in the interests of the visual amenities of the area.

3) All planting comprised in the approved scheme of native shrub planting shall be carried out in accordance with approved programme for the scheme's implementation and any shrubs which within a period of five years from the completion of the implementation of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: In order to safeguard and enhance the biodiversity interests of the site and in the interests of the visual amenities of the area.