

PLANNING COMMITTEE – 30 MARCH 2017

PART 5

Report of the Head of Planning

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Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Funton Brickworks, Raspberry Hill Lane / Sheerness Rd, Lower Halstow**

APPEAL DISMISSED

Observations

COMMITTEE REFUSAL

A good decision. The Inspector agreed with the Council's view that the development did not amount to sustainable development and therefore that planning permission should be refused. In reaching this view, he agreed that the development would have harmful impacts on landscape quality and visual amenity. However, he did not agree that the development would have unacceptable implications for highway safety.

- **Item 5.2 – 155 Westerham Road, Sittingbourne**

APPEAL ALLOWED

Observations

DELEGATED REFUSAL

A disappointing decision, where the Inspector concluded that the development would cause some harm the character and appearance of the area, but that this was not sufficient to warrant refusal of planning permission.

- **Item 5.3 – 11 St Ann's Road, Faversham**

APPEAL DISMISSED

Observations

DELEGATED REFUSAL

Full support for the Council's normal approach to consideration of neighbours' amenity.

- **Item 5.4 – 11 Leet Close, Eastchurch**

APPEAL ALLOWED

Observations

AGAINST OFFICER RECOMMENDATION

The Inspector concluded that the proposal would not harm the amenities of the

neighbours.

- **Item 5.5 – The Hawthorns, Greyhound Road, Minster**

APPEAL ALLOWED

AGAINST OFFICER RECOMMENDATION

- **Item 5.6 – Blackthorn Lodge, Greyhound Road, Minster**

APPEAL ALLOWED

AGAINST OFFICER RECOMMENDATION

- **Item 5.7 – The Peartree, Greyhound Road, Minster**

APPEAL ALLOWED

AGAINST OFFICER RECOMMENDATION

Observations

Three extremely disappointing decisions.

The Inspector has concluded, bizarrely, that the sites in Greyhound Road are not visually harmful. They are, in my experience, visible from a distance and cause substantial harm to visual amenity. He has concluded, contrary to the normal view taken on such matters, that landscaping can mitigate any visual harm arising from the development.

Furthermore despite a previous Inspector finding to the contrary, he concluded, wrongly in my view, that the location of the sites is sustainable.

Finally, and perhaps of more concern, he gave credence firstly to the appellants' interpretation that the provision of extra caravans to address household expansion on existing sites did not amount to the provision of extra pitches, nor address unmet need for pitches within the Borough. Secondly, based on an assertion by the appellants, and without evidence to support it, he has formed the view that significant objection to the Council's position regarding the need for and supply of pitches would be forthcoming at the Local Plan Inquiry. In the event, there was only one objection, and the objector failed to attend the Inquiry. The Council's position on gypsy and traveller pitches was dealt with by the Local Plan Inspector in less than 15 minutes.

Officers have sought legal advice on the merits of challenging these decisions by way of Judicial Review. I will update Members at the Meeting.

- **Item 5.8 – Land and buildings at Parsonage Farm, Painters Forstal**

APPEAL ALLOWED IN PART

Observations

ENFORCEMENT APPEAL

A disappointing decision which not only ignores the Council's careful and consistent application of our Supplementary Planning Guidance, but encourages the appellants

to seek permission for further works at odds with that guidance.

- **Item 5.9 – Land east of St Marys View, Newington**

APPEAL DISMISSED

Observations

AGAINST OFFICER RECOMMENDATION

A good decision. Although the Inspector did not consider that three of the four reasons for refusal put forward by Members (namely highway safety, harm to amenity of residents living along Church Lane, and loss of Best and Most Versatile farmland) amounted to robust reasons for the refusal of the application, he did find that there would be significant harm to 'the character and quality of the landscape and locality' and, as such, that the development would conflict with Local Plan policies E6 and E9. Weighing this against the benefits of the development, he concluded that the harm would significantly outweigh the benefits. Consequently, he concluded that the proposals did not amount to sustainable development and that planning permission should be refused.

- **Item 5.10 – Land south-east side of Faversham Road, Ospringe**

APPEAL ALLOWED

Observations

ENFORCEMENT APPEAL

Despite this being a clear case of intentional unauthorised development in the Kent Downs AONB and the Inspector agreeing that occupation of this site is harmful, the Inspector has still decided to extend the period for compliance to 12 months, which will be a serious disappointment to the local community who have seen the significant adverse impact that this unauthorised development has already had. This, added to the 14 months it has taken to see this decision reached since the original enforcement notice was served (December 2015), means that despite swift action by the Council the notice will not require compliance until over 2 years since the site was first occupied.