

PLANNING COMMITTEE 4 JANUARY 2018

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 – Brook Hall House, Waterham Road, Hernhill
APPEAL DISMISSED**

DELEGATED REFUSAL

Observations

In this decision the Inspector fully supported the newly adopted Local Plan policies for re-use of rural buildings.

- **Item 5.2 – Land on the west side of Spade Lane, Hartlip**

- Appeal A: APP/V2255/C/16/3165246
- Appeal B: APP/V2255/C/16/3165247
- Appeal C: APP/V2255/C/16/3165248
- Appeal D: APP/V2255/C/16/3165249
- Appeal E: APP/V2255/C/16/3165250
- Appeal F: APP/V2255/C/16/3165251
- Appeal G: APP/V2255/C/16/3165252
- Appeal H: APP/V2255/C/16/3165253
- Appeal I: PP/V2255/W/16/3165245

Appeals A and B ALLOWED – ENFORCEMENT NOTICE QUASHED

Appeals C to H NO FURTHER ACTION - ENFORCEMENT NOTICE QUASHED

Appeal I APPEAL DISMISSED

Observations

The Inspector has granted temporary planning permission for three years. Despite agreeing with the Council that the site was visually harmful and amounted to an unnecessary and harmful loss of best and most versatile agricultural land, he found in favour of the appellants, who Members may recall have occupied and developed this site in breach of several High Court Orders and an Enforcement Notice. His principal justification for doing so is that (my comments in italics):

- 1) The Council is wrong to rely on Brotherhood Woodyard as forming part of the range of pitches for gypsies/travellers within the Borough. *In doing so he takes a contrary view to Inspectors on appeals elsewhere, and to the Local Plan Inspector, who agreed that this site does amount to a gypsy/traveller site, and that it should be included as forming part of the supply of sites in the Borough. She agreed Policy DM10 of the now adopted Local Plan on this basis.*
- 2) The loss of Brotherhood Woodyard leaves a “substantial shortfall” in pitches

across the Borough over the Plan period. *It leaves a shortfall of 17 pitches over 14 years. This equates to just over one pitch per year. This is not “substantial”.*

- 3) The loss of Brotherhood Woodyard means that the Council cannot demonstrate a five year supply of pitches. *The Council can demonstrate a supply of 7 available pitches. The required five year supply figure is 7.*
- 4) The effect of dismissing the appeals would have been that the appellants would have been likely to resort to living by the roadside, with associated lack of access to health and education services. *The appellants themselves did not argue this – they stated in their grounds of appeal that a 12 month period to comply with the enforcement notice was sufficient for them to find an alternative site.*

Given the above, Members may share my frustration and dissatisfaction with this decision. I have referred the matter to Counsel for advice on the merits of challenging this decision in the High Court and will update Members at the Meeting.

- **Item 5.3 – 100 Station Road, Teynham**

APPEAL DISMISSED AND COSTS REFUSED

COMMITTEE REFUSAL – AGAINST OFFICER RECOMMENDATION

Observations

In this decision the Inspector has fully supported the concerns of Members on a scheme which did not contravene any specific policies and in which there was a fair degree of room for opinion. Officers feared that such an opinion might not be shared by all Inspectors and so suggested a carefully worded condition to safeguard the position. The Inspector rejected the Appellants claim for costs .