

PLANNING COMMITTEE – 30 APRIL 2020

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 – 3 Broadway Sheerness**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the Council's decision to refuse this scheme which would have harmed this listed building.

- **Item 5.2 – Bellever, Marshlands Farm Lower Road Minster**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the refusal of this proposal, which would have seen a mobile home replaced with a substantial bungalow.

- **Item 5.3 – Former Brewers Yard, St Michaels Road Sittingbourne**

APPEAL ALLOWED

COMMITTEE REFUSAL

Observations

The Inspector considered that the surfacing of the site could be dealt with by way of a condition, which was suggested to Members prior to the vote to refuse. Also of note is that the Inspector has granted permanent permission for this use, where I was recommending the grant of temporary permission.

- **Item 5.4 – Land west of Barton Hill Drive Minster**

APPEAL ALLOWED AND COSTS AWARDED TO THE APPELLANT

COMMITTEE REFUSAL

Observations

Members will recall that I had recommended this major housing development for approval. The Inspector reported that the proposal would deliver 700 dwellings on land

mostly allocated within the Local Plan (A12) for development, and that the development parameters would allow for sufficient space to preserve the setting of Parsonage farmhouse, a Grade II listed building to the north of the site.

The Inspector found that the scheme would have some adverse effects on the character and appearance of the area caused by the inclusion of land outside of the A12 policy allocation, and that this would conflict with policies ST3 and A12 of the Local Plan. However, he considered that the impact of this would not be significantly greater than a policy-compliant scheme, and that the scheme would not undermine the purposes of the Important Local Countryside Gap.

In his planning balance, the Inspector acknowledged that the Council could not demonstrate a five year housing supply and applied paragraph 11(d) of the NPPF – which states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Inspector considered the benefits to be the delivery of 700 dwellings (substantial weight), the contribution this would make to addressing the 5 year housing shortfall (moderate weight), delivery of the Rushenden primary school, an on-site local centre and potential on-site medical facility (all moderate weight), further highways improvements, and biodiversity net gain (substantial weight). He concluded that the adverse impacts of the development would not significantly and demonstrably outweigh its benefits, and that the presumption in favour of sustainable development weighed in favour of allowing the proposal.

The Inspector rejected the Council's case that the scheme should include a condition requiring dwellings to be built to reduce carbon emissions by at least 50%, stating that the Council's suggested condition was not supported by any local or national policies. Instead, he imposed a condition that was worded in a more flexible way to take account of relevant Building Regulations and planning policy requirements at the time of construction of each phase of the development.

The Inspector granted a partial award of costs against the Council. The Council withdrew two of its reasons for refusal based on lack of affordable housing and highways impacts prior to the Inquiry. However the Inspector concluded that the Council had failed to produce evidence to substantiate the reason for refusal relating to affordable housing and that the appellant had incurred unnecessary expense in preparing evidence on this.

The Inspector also considered the Council's reason for refusal on highways grounds to be unreasonable and against the expert advice of Kent County Council and its own planning officers. Although mitigation was subsequently agreed that led to the withdrawal of this reason, the Inspector considered that this could have been resolved without the need for the appellant to prepare evidence to contest the reason at the Inquiry, and that the appellant had incurred unnecessary expense in providing this evidence.

Members should note that the Council has submitted papers to the High Court to challenge against the partial award of costs as there are errors in the planning inspectors decision which Counsel have advised are challengeable.

- **Item 5.5 – Caravan and Stables Old Billet Lane Eastchurch**

APPEAL ALLOWED

COMMITTEE REFUSAL

Observations

The Inspector concluded that the development would not harm visual or residential amenity, and that the location of the site and its accessibility were not unacceptable.

- **Item 5.6 – 58 Volante Drive Sittingbourne**

APPEAL ALLOWED

COMMITTEE REFUSAL

Observations

The Inspector found the development to be acceptable, and did not agree that the use would harm visual or residential amenity, nor that it would give rise to significant parking issues.

- **Item 5.7 – Hempstead Farm Hempstead Lane Tonge**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

A very narrowly based decision which almost completely ignores the matter of the unnecessary detrimental impact on air quality of extra HGVs bringing in fruit from anywhere on the planet, and travelling through a number of designated AQMAs to do so, that were raised in the refusal and in the officer's report.