

PLANNING COMMITTEE – 12 NOVEMBER 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 – Pebble Court Farm Woodgate Lane Borden - 19/506446/PNPA**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the Council's interpretation of the existing use rights applicable to this building, and of the relevant Prior Approval regulations, which mean that this proposal would not be Permitted Development. The other case referred to by the applicant is actually in Maidstone Borough Council's area.

- **Item 5.2 – Pebble Court Farm Woodgate Lane Borden - 19/505970/FULL**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the Local Plan settlement strategy policy ST3, indicating that the benefits of small scale new residential development well beyond settlement boundaries do not outweigh the harm to the Local Plan settlement strategy. Since adoption of the Local Plan in 2017 there is now a great deal of consistency from Planning Inspectors in relation to applications for individual houses, or for very small numbers of houses, in rural locations outside the Local Plan defined built-up area boundaries where it is odds with policy ST3 and the Local Plan's sustainability objectives.

It is worth noting that the 2015 approved scheme referred to here was approved prior to adoption of the Local Plan when the Local Plan position was far less clear, and when appeals were being allowed for such developments. The later 2017 scheme relates to replacement of one rural dwelling with another, in accordance with policy DM11.

- **Item 5.3 – Land on the south east side of Bartletts Close, Halfway**

APPEAL ALLOWED & COSTS AWARDED

COMMITTEE REFUSAL

Observations

Members will recall that officers had recommended this housing development for

approval and that the tilted balance was applied due to the Council's lack of a five year housing supply. The Inspector reported that whilst the site was outside the settlement boundary, given the close proximity of Halfway (identified as a Tier 3 'other Urban Centre' as part of the West Sheppey Triangle) and the availability of nearby public transport links, the future occupiers would have good access to local services, facilities and employment opportunities. The Inspector reported that the proposal would not have a significant harmful effect on the Important Local Countryside Gap. Regarding the access to the site, the Inspector noted that the Council does not have a Local Plan policy which requires existing unmade roads to be made up to adoptable standards. The Inspector concluded that the proposed access road to the development would comply with relevant local plan policies (DM6 and CP2).

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 17 houses would be a social benefit making an important contribution to the Councils Housing shortfall (moderate weight); economic benefits during construction and future occupiers support to local shops/services (moderate weight); environmental benefits due the sites location which has good access to local services, facilities, employment opportunities and public transport links, and would therefore promote sustainable transport methods (moderate weight). The inspector outlined there would be an adverse impact from the development of undeveloped land (limited 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 granted a partial award of costs against the Council. The Inspector concluded the Council did not act unreasonably with regarding to the first two reasons for refusal (1; whether the development formed sustainable development; and 2; impact on the Important Local Countryside Gap and character of the countryside). Regarding the third reason for refusal (access), the inspector concluded that the Council acted unreasonably, as it did not take into account all of the information that had been presented to it and as a result, did not make a balanced assessment of the highway matters as they related to the unmade road. Furthermore he noted that the Council did not provide adequate justification based on any technical evidence for its reason for refusal (reason 3), during the appeal process.

- **Item 5.4 – 78 Preston Street Faversham**

APPEALS DISMISSED

DELEGATED REFUSAL

Observations

Strong support for the Council's heritage based objections to this development, despite the fact that the Inspector did not consider the holly tree to be an obstacle to the development. The Inspector has found issue with the impact of the scheme on the amenity of neighbours, a matter that the Council did not feel able to object to in the light of historic planning permissions for extensions to this property. However, we can now bear the Inspector's concerns in mind in assessing any future proposals.

- **Item 5.5 – 69 Church Road Eastchurch**

APPEAL DISMISSED**DELEGATED REFUSAL****Observations**

Although the appeal was dismissed, this is in my view a very poor decision. The appeal was dismissed on the basis of a lack of SAMMS payments from the appellant. The Inspector concluded that the appeal proposals were acceptable in every other respect, including overlooking distances between dwellings, where the scheme fell well below our normal standards. Members will note that the Inspector gave weight to the fact that the minimum distances we would normally expect are not set out in the Local Plan. I have asked the Planning Policy team to explore whether such distances can be included in the upcoming Local Plan review.

- **Item 5.6 – Bourne Place Stockers Hill Rodmersham**

APPEAL DISMISSED**DELEGATED REFUSAL****Observations**

Full support for the Local Plan settlement strategy policy ST3, indicating that the benefits of small scale new residential development outside defined settlement boundaries do not outweigh the harm to the Local Plan settlement strategy. Since adoption of the Local Plan in 2017 there is now a great deal of consistency from Planning Inspectors in relation to applications for individual houses, or for very small numbers of houses, in rural locations outside the Local Plan defined built-up area boundaries where it is odds with policy ST3 and the Local Plan's sustainability objectives. The Inspector also commented critically on the impact of residential development on the character of the countryside despite the approved use for holiday lets, which was seen as unlikely to be completed.

I am disappointed that the Inspector did not share the Council's concern about the amenity implications of traffic from permanent residential use of these buildings on the occupants of the properties that traffic would pass close by.