

PLANNING COMMITTEE – 12 MAY 2022

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 – Land Lying South of Dunlin Walk Iwade**

APPEAL ALLOWED & COSTS REFUSED

COMMITTEE REFUSAL

Observations

Members will recall that officers had recommended this outline application for approval. The Inspector considered details regarding servicing and parking arrangements in great detail, and concluded that the proposed development for 20 dwellings could be designed at reserved matters stage so that the amount of housing proposed could be acceptably and safely accommodated on the site, with particular regard to servicing and parking arrangements.

The Inspector therefore found that it accords with Policies CP2, CP4, DM7 and DM14 of the Bearing Fruits 2031, The Swale Borough Local Plan 2017 (Local Plan). Amongst other aspects, these: set out that the Kent County Council vehicle parking standards will be applied until the Council's Parking Standards SPD is adopted; include general development criteria; and seek development to be located where the need to travel will be minimised, provide adequate parking and create safe, accessible places. The proposal would also be consistent with the provisions in the Framework in relation to promoting sustainable transport; and the Parking Standards SPD.

Costs

The appellants submitted an application for a full award of costs against Swale Borough Council. The appellant considered that the Council acted unreasonably by failing to address two key national policy tests, refusing permission on issues which could be addressed by condition at reserved matters stage, and failing to produce evidence to substantiate its decision. The application for an award of costs was refused.

The Council submitted an application for a partial award of costs against the appellant. The Council considered (the appellant) acted unreasonably by submitting the two additional illustrative plans on 31 January 2022 at a late stage within the appeal process. The application for an award of costs was refused

- **Item 5.2 – Plough Leisure Caravan Park Plough Road Minster**

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

The Inspector agreed with the Council's longstanding policies regarding restricting occupation of holiday accommodation to 10 months of the year, concluding that residential use of the site would result in harm to the character and appearance of the area and prejudice the Council's approach to holiday accommodation. It would be in conflict with Policies CP1, ST6, DM3, DM5 and DM14 of the LP which seek, amongst other things, to restrict the occupation of caravans for recreational use and during certain months of the year to ensure a sustainable pattern of development and to protect the character of the countryside.

The Inspector agreed with the Council's assessment that the site is an unsustainable location outside of the settlement boundary, which would not be suitable for residential accommodation.

The Inspector assessed the level of weight of the Interim Planning Policy Statement for Park Homes Sites (IPP) and notes that the IPP was not publicly examined, it is not an adopted policy and does not form part of the development plan, and therefore only attributed very limited weight to this.

The Inspector concluded that the identified harm (harm to the character and appearance of the area and the inappropriate location of the site to access services and facilities) is serious and significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Thus, the application of the tilted balance in paragraph 11 of the Framework does not indicate that planning permission should be granted.