

**PLANNING COMMITTEE – 13 APRIL 2023**

**PART 5**

Report of the Head of Planning

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

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- **Item 5.1 – Land at Central Car Park, Leslie Smith Drive, Faversham**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

**Observations**

A good decision where the Inspector agreed with the Council that the proposed mast would fail to preserve or enhance the character and appearance of the conservation area or preserve the setting of nearby listed buildings. The Inspector also agreed that the applicant had provided insufficient evidence that alternative and less harmful options had been explored. It was concluded that the harm identified was not outweighed by the need for the installation to be sited as proposed.

- **Item 5.2 – 8 Park Road, Faversham**

**APPEAL ALLOWED**

**AGAINST OFFICER RECOMMENDATION**

**Observations**

The Inspector disagreed that the render finish would be inappropriate to the area as there was considerable evidence of rendered finishes elsewhere, including the adjoining property where the whole of the ground floor and side boundary are rendered as well as the front elevations of several properties along Park Road. It was agreed that the unfinished treatment of the boundary wall was unsightly but included a condition for the applicant to submit details of the colour and finish of this wall within 2 months of the decision and the agreed details being implemented within 4 months of the details being approved. Given the limited depth and height of the extension it was not considered that any impact in respect of loss of light or outlook was of such an extent that permission should be refused. The Inspector concluded that the character and appearance of the conservation area would be preserved and there would be no significant harm to the living conditions of no. 9 Park Road.

- **Item 5.3 – Horseshoe Farm, Elverland Lane, Ospringe**

**APPEAL DISMISSED****ENFORCEMENT APPEAL****Observations**

A good decision that highlights the strong weight given to protection of the AONB. The Inspector agreed with the Council that this Gypsy site was in an unsustainable location, failed to conserve or enhance the qualities and character of the AONB and harmed the character of the designated rural lane. The Inspector acknowledged that the Council could not demonstrate a five-year supply of sites, but that it had nonetheless approved sites through the Local Plan policy to meet a substantial part of the forecast need in the Council's Gypsy and Traveller Accommodation Assessment. The planning history of the site was lengthy, and the appellant had not attempted to look for alternative sites in the years since 2012. The appellant's personal circumstances, lack of alternative sites in the Borough and lack of a 5-year supply did not clearly outweigh the significant weight attached to the harm to the AONB and the unsustainable location of the site. This harm also outweighed any justification for a temporary permission.

- **Item 5.4 – Land off Otterham Quay Lane, Upchurch**

**APPEAL ALLOWED****DELEGATED REFUSAL****Observations**

The Inspector outlined that the appeal scheme includes considerable and significant benefits in respect of housing and affordable housing and a range of other benefits of moderate and limited weight, some of which lead to accordance with LP policies. Even if the shortfall in five-year housing land supply would only be to the extent argued by the Council, the Inspector did not find this to be particularly determinative in respect of this appeal. Moreover, the adverse impacts of granting permission would still not significantly and demonstrably outweigh the stated benefits, when assessed against the policies in the Framework taken as a whole. As a result, the proposal would benefit from the presumption in favour of sustainable development and, for reasons advanced above, it would amount to sustainable development.

- **Item 5.5 – My Retreat, Norman Road, Eastchurch**

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

The Inspector agreed with the Council that the location of this residential caravan was unsuitable given its remote and unsustainable location and impact on rural character and appearance. This harm significantly and demonstrably outweighed the limited benefit of a single unit to the Council's housing supply.