

PLANNING COMMITTEE – 7 DECEMBER 2023

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 West of Church Road, Tonge, Sittingbourne**

APPEAL ALLOWED

NON-DETERMINATION

Observations

The appeal was held as a Public Inquiry for 1 day on the 12th September 2023

Members' may recall that at the Planning Committee meeting of the 05h June 2023 that application 22/502834/EIOUT would have been approved if Members were in a position to do so, subject to conditions (1) to (33) as set out in the report and the completion of a section 106 agreement to include the heads of terms as set out in the reports, tabled updates and officer presentation.

The Inspector acknowledged that the appeal is allocated within the Local Plan, that the Council does not have a 5-year supply of housing land, and Local Plan policies are out of date but still carry some weight.

Consideration was given to the comments of Tonge Parish Council, who had concerns about the location of the site in terms of accessibility to services, together with highway capacity and safety issues. Further, representations had been received that the quantum of development proposed is significantly higher than that envisaged by Local Plan policy MU2. The Inspector however found that the lack of infrastructure locally would be met in terms of the commitments made through the s106 legal agreement. In terms of highway capacity and safety issues, the Inspector was satisfied that the number of dwellings would not increase traffic to an unacceptable degree, and that in a situation where the Council has a housing land supply shortfall, there is nothing in the policy to prevent additional housing.

To conclude, it was advised that subject to the s106 agreement and necessary conditions, the application was acceptable.

The appeal was allowed on the 06th November 2023.

- **Item 5.2 – Warren Farm Warden Road Eastchurch**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector agreed with the Council that as an enforcement notice had previously been served against the stationing of a caravan for residential use on the land, the occupation of a caravan on the site could not be lawful.

- **Item 5.3 – Land south of The Mounted Rifleman Faversham**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector considered on balance, that the proposal would preserve the setting of the listed building as the proposed building would remain subservient in scale. With regards to the design, the small increase in height when compared to the existing piggeries and the materials proposed for the dwelling were considered acceptable. However, the larger floor area and large area of glazing, together with the enlarged parking area and associated domestic paraphernalia were considered to have an urbanising impact on the local landscape and countryside. The Inspector did not consider the site isolated in the context of Paragraph 80 of the NPPF but its rural setting, some distance from the nearest settlement meant it would not be reasonably accessible to services. The Inspector therefore agreed with the Council that the proposal would not be sustainable development and as such the site was not a suitable location for a new dwelling. On that basis, the appeal was dismissed.