

**PLANNING COMMITTEE – 8 FEBRUARY 2024**

**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 – 201 Queenborough Road Halfway**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

**Observations**

The Inspector acknowledged some conflict with the Council's SPG on house extensions, but determined that a large front dormer extension to a dwelling would not be harmful given it would not dominate the roof of the property and was in an area with buildings of varied character.

- **Item 5.2 – 32 Linden Drive and 67 Queens Way Sheerness**

**APPEAL DISMISSED**

**NON-DETERMINATION**

**Observations**

The Inspector agreed with the Council's position that the sequential test relating to flood risk submitted with the application was deficient, and failed to properly consider other sites reasonably available for residential development in a lower flood risk area.

- **Item 5.3 – St Saviours Church Whitstable Road Faversham**

**APPEAL ALLOWED**

**APPEAL AGAINST CONDITION**

**Observations**

The Inspector did not agree with the wording of conditions (1), (7) and (8) which the Council placed upon the approval. The Inspector determined that condition (1) relating to mechanical ventilation should be deleted since it did not meet any of the tests within paragraph 56 of the NPPF but agreed with the Council that there needed to be a condition for an appropriately worded Noise Management Plan (condition (8)). Condition (8) was re-worded with the Inspector stating the essential point is that it should focus on managing noise. The need for a specified number of events per year and a time period between events is questionable, since the aim should be to avoid noise nuisance, rather than have a limit on the number of occasions when noise nuisance may occur and the interval between them. The requirement for specifying the type of suitable event is imprecise. The Inspector also varied condition (7) to increase the hours of music until 11pm as it was stated that appropriate noise mitigation would be in place via the Noise Management Plan.

- **Item 5.4 – Hole Street Farm Kingsdown Road Lynsted**

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

The Inspector disagreed with the Council and found that neither the wording of the condition or the documents incorporated within the planning permission (which was considered by the Council in 1996), identified the location of Hole Street Farm Cottage. The location of that dwelling, and the object of the disputed condition, could not be identified with sufficient certainty by the 'reasonable reader'. The Inspector also concluded that the control imposed on the occupation of the farm cottage in Condition 5 of SW/96/0128 imposed a disproportionate and unjustified level of control on the occupancy of the cottage and potentially on land that was not in control of the applicant. On this basis, the Inspector allowed the appeal.

- **Item 5.5 – 124 East Street Sittingbourne**

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

The Inspector agreed with the Council's decision that the proposal represented an unacceptable form of backland development with resultant harm to the character and appearance of the area, failure to provide / maintain appropriate living conditions, failure to demonstrate impacts relating to an adjacent AQMA, and failure to mitigate impacts on the SPA through a SAMMS payment.

No. 124 East Street was a Grade II listed building at the time the Council determined the planning application. It was de-listed by Historic England during the appeal process. As such, a further reason relating to harmful impacts upon the setting of the listed building fell away.

- **Item 5.6 – Land South of Lees Court Rd Stocks Paddock Sheldwich**

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

The Inspector agreed with the Council's reasons for refusal in that the site was in an unsustainable location for residential use and the proposal would cause harm to heritage assets including the Sheldwich Conservation Area and nearby listed buildings. The Inspector gave the matter of self-build limited weight due to the scale of the proposal and the harm that was identified in relation to sustainability and heritage assets.

- **Item 5.7 – Co-Op Sports & Social Club St George’s Ave Sheerness**

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

The Inspector agreed with the Council that use of part of the site as a large storage compound would be harmful to the living conditions of neighbouring properties, and negatively impacted upon the open and undeveloped character of the area within the countryside and an Area of High Landscape Value.

- **Item 5.8 – Land To The North Of Elm Lane Minster**

**APPEAL ALLOWED AND COSTS AWARDED AGAINST THE COUNCIL****NON-DETERMINATION****Observations**

The Inspector disagreed with the Council and considered that whilst the development is outside the built-up area and would alter the character and appearance of the site, the impact on character of the area and the countryside would be limited. The Inspector stated there would be social and economic benefits and the proposal could make a substantial difference to the overall supply of housing and would be likely to provide a local economic boost associated with construction.

The Inspector disagreed with the Council regarding the impact on the living conditions of neighbouring residents as a result of the creation of the access having taken account of the appellant’s noise survey and the proposed mitigation in the form of acoustic perimeter fencing.

Taking account of the NPPF as a whole and applying the planning balance, the Inspector found no adverse impact that would significantly and demonstrably outweigh the benefits and that the presumption in favour of sustainable development weighed in favour of the proposal.

The Inspector considered the appellant’s costs application and found that the Council’s decision notice and appeal statement did not properly substantiate the reason for refusal. The Inspector therefore found there to be unreasonable behaviour and a full award of costs justified.