

PLANNING COMMITTEE – 16th January 2025

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 – 4 Oast Cottages, Breach Lane, Upchurch, Kent ME9 7PH**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for a dwelling and garage. The main issues were identified to be whether the location of the development is acceptable and the impact on the character and appearance of the area.

The position of the site relative to facilities, services and regular public transport services and the location outside of the built-up areas of the Borough led the Inspector to identify that the site is contrary to the development plan. Having had regard to several other factors that were raised by the appellant, the Inspector still concluded that the location of the development was unacceptable in terms of the conflict with development plan policy and the accessibility of services and facilities.

Whilst being of acceptable design, it was found that the proposed development would erode the contribution the appeal site makes to the rural character and appearance of the area and the very presence of development would have a negative impact on the intrinsic character and beauty of the countryside.

The Inspector had regard to other considerations including the supply of housing , the need for self-build housing, the environmental credentials of the proposal, the potential biodiversity enhancements and other social and economic benefits. However, it was deemed that the identified harm and the conflict with the development plan meant that the appeal should be dismissed.

- **Item 5.2 – 8 Cross Lane, Faversham, Kent ME13 8PN**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the change of use of a residential flat to enable the formation of two offices as an extension to an existing office premises. The main issue was the effect on housing supply arising from the loss of the existing flat. It was identified that the proposal would be contrary to Policy DM1 and DM2 of the Local Plan which seek, amongst other aspects, to prevent the loss of residential accommodation. The Inspector had regard to the appellant's case which addressed matters including the

adequate supply of housing (at that time) the need to support local businesses, the need for office accommodation, the potential for existing occupiers to relocate if the appeal was unsuccessful and the personal circumstances of the user of the office. Whilst the economic benefits of the development were recognised, these were not deemed to outweigh the harm arising from the conflict with the development plan caused by the loss of housing.

- **Item 5.3 – 8 Harty Ferry Cottages, Harty Ferry Road, Oare, Kent ME13 0QD**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the change of use of land to residential garden, the erection of a cabin as an outbuilding and the siting of a caravan. The main issue was identified to be the impact on the character and appearance of the area and the Area of High Landscape Value it is within.

It was identified that The proposal would significantly increase the domestic garden area of the host dwelling and would provide additional outbuildings and structures within the vicinity, albeit some distance from the dwelling itself. The provision of these, alongside other features which would be commonly found within a domestic garden, would provide a distinctly formal and domesticated appearance which would be at odds with the key characteristics of the Luddenham and Conyer Marshes. It was found that there was insufficient certainty that the proposed landscaping would be effective or acceptable in the context of the surrounding area and it was set out that the overall size and scale of the area proposed to be changed would be at odds with the existing modest gardens at the rear of the terrace and appear as an incongruous feature within the landscape.

The proposal was therefore unacceptable and contrary to the development plan and the appeal was dismissed accordingly.

- **Item 5.4 – Bullfinch Cottage, Lewson Street Road, Norton, Kent ME9 9JQ**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for a granny annexe and the main issues were identified to be the impact on the character and appearance of the area and whether the site was a suitable location for the development. Given the association with the host dwelling, the location of the annexe development was considered to be acceptable. However, the visual impact of the development was considered to be unacceptable as the development would detract from the characteristic spaciousness of the area and would appear incongruous. It was found that the development, particularly as a result of its scale and positioning, would appear prominently within the street. Therefore, the development was contrary to the development plan and, even having regard to other

considerations that were raised, the Inspector concluded that the appeal should be dismissed.

- **Item 5.5 – Callum Park, Basser Hill, Lower Halstow ME9 7TY**

PINS Decision: APPEAL ALLOWED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Outline planning permission was sought for the provision of two additional self-build dwellings at the edge of a previously approved development that has commenced. The main issues were whether the site was a suitable location for the proposal, the impact on an Area of High Landscape Value and the impact on Special Protection Areas.

The Inspector found that the site was not a suitable location for development in the context of the development plan, noting that the site was outside the defined built-up area of Lower Halstow and that it would be unlikely that residents would use sustainable modes of transport. It was found that the impact on the AHLV would be negligible and that the impact on the SPA was addressed by the provision of the conventional financial contribution. The Inspector also found that the proposal would not cause harm to nearby heritage assets or the living conditions of existing residents.

The Inspector weighed the identified harm arising from the conflict with the development plan against the benefits arising from the supply of housing, the meeting of a need for self-build housing, the economic and social benefits of development and the potential for delivering biodiversity enhancements. This balancing exercise led the Inspector to conclude that the appeal should be allowed and planning permission should be granted.

- **Item 5.6 – Land adjacent 113 Chaffes Lane, Upchurch, Sittingbourne ME9 7BB**

PINS Decision: APPEAL ALLOWED

Committee or Officer Decision : COMMITTEE REFUSAL

Observations

Planning permission was sought for 7 dwellings and the main issues were identified to be whether the site was a suitable location for the proposed development and whether the impact on the character and appearance of the area would be acceptable.

Although outside the built-up area of Upchurch, the site is adjacent to that settlement and it was found that The site is sufficiently close to the facilities within the village to enable them to be accessed by most people without needing to use a private motor vehicle. It was identified that Upchurch would not meet all needs of future residents but would meet many and would align with the Local Plan in terms of recognising that Upchurch would only be expected to meet some of its residents needs and not all needs. It was considered that opportunities to maximise the use of sustainable modes of transport will vary and that in this case the proposal could be found acceptable in that

respect. Moreover, by continuing the existing linear development, it was found that the proposal represented the prevailing pattern of development in the area and the layout and arrangement of the development was considered to be acceptable.

It was identified that the proposal is contrary to the development plan by virtue of the site being located outside the built-up area. However, this was considered to represent a limited conflict with the development plan and it was found that this would be outweighed by the benefits of the proposal in terms of housing supply, economic and social benefits and the potential for the development to be built-out quickly.

- **Item 5.7 – Littles Manor Oast, North Street, Sheldwich, Faversham ME13 0LP**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for new build holiday-let accommodation. The main issue was whether the location of the site was suitable for such a development and, in this regard, the Inspector identified that the site was outside of the Borough's settlements and distant from facilities and public transport to an extent that future users of the premises would be dependent on cars. It was identified that a need for the development had not been demonstrated that would not already be met by other facilities and that the economic benefits of the development were modest. Whilst acceptable in other respects, the development was found to be contrary to the development plan and the appeal was dismissed accordingly.

- **Item 5.8 – Nether Toes, Sheppey Way, Bobbing, Sittingbourne, Kent ME9 8QP**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

The application sought permission for the conversion and re-instatement of an agricultural building and its use as a dwellinghouse. The main issues were whether the site was a suitable location for residential development, whether the conversion would be a suitable use of a heritage asset, whether the proposal would preserve or enhance heritage assets and the impact on Special Protection Areas.

Due to the location of the site relative to facilities and the inevitable dependence on cars, it was found that the location was not suitable for residential development. It was deemed that insufficient attempts had been made to find a use for the premises without resorting to residential use and it was identified that insufficient justification had been provided to support a case that the level of investment required to enable the conversion of the building meant that residential use represented the viable use.

The Inspector concluded that the reinstatement of the building represented a heritage benefit and would enable the enhancement of the setting of a non-designated heritage

asset. The proposal was, therefore acceptable in that respect. It was also noted that the Council could not demonstrate a 5 year housing land supply and that limited weight could be afforded to social and economic benefits arising from the proposal.

Having undertaken a balancing exercise, the Inspector concluded that the adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits. The impact on the Special Protection Areas was addressed by the applicant but, given the overall conclusion, the Inspector did not consider it necessary to address that matter further.

- **Item 5.9 – Scocles Farm, Scocles Road, Minster-on-Sea, Kent ME12 3RU**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

The appeal related to the refusal to approved details required to be agreed under the terms of conditions of planning permission 19/504831/FULL. The conditions required details of windows, doors and boundary treatments to be submitted and agreed.

The Inspector agreed with the Council that not all details were submitted to accord with the requirements of the condition that addressed windows and doors and that there was insufficient information to determine that the proposed details would not harm the character and appearance of the development and the area and not harm the setting of listed buildings.

Whilst the details submitted in relation to boundary treatments were acceptable, the Inspector identified that works on site had progressed beyond the trigger point when the details were required to have been submitted and agreed. It was therefore found that the condition could not be discharged.

- **Item 5.10 – Stonebridge Lodge, West Street, Faversham, Kent ME13 7RU**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission and listed building consent were sought for works of adaptation and extension. Appeals were submitted in relation to both refused applications. The main issues were whether the proposals preserve listed buildings and their settings, whether they preserve or enhance the Faversham Conservation Area and whether they effect the significance of a non-designated heritage asset.

The Inspector concluded that the proposal would harm the special interest of the Grade II listed host building (Stonebridge Lodge) and fail to preserve its setting. Moreover, the Inspector reached the view that the proposal would fail to preserve the character and appearance of the Conservation Area. It was found that the proposal would preserve

the special interest of the adjacent Grade II listed buildings (Twymans Mill and The Forge) and could be made acceptable with respect to the non-designated heritage asset (Stonebridge Pond).

Public benefits from the proposal were considered including with respect to energy generation and efficiency, construction based employment, improved living conditions, an increase in the number of trees and the improvement to the condition of the listed building. However, these were not found to outweigh the identified harm and therefore the appeals were dismissed.

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- **Item 5.11 – The Happy Pants Animal Sanctuary, Land to the east of Hawes Wood, Iwade Road, Newington, Kent ME9 7HY**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : COMMITTEE REFUSAL – appeal against an Enforcement Notice

Observations

The appeal was against the serving of an Enforcement Notice with respect to the material change of use of the land to a mixed use of an animal sanctuary and the stationing of caravans for human habitation.

In relation to the ground (B) appeal, it was found that the requirements of the enforcement notice could be modified and simplified. In relation to the ground (C) appeal, it was conceded during the appeal that a breach of planning control had occurred. In relation to the Ground (G) appeal, it was deemed that a 6 month compliance period was appropriate, in accordance with the requirements of the Enforcement Notice.

In relation to the ground (A) appeal and the deemed planning application, the main issues were whether the location is acceptable for the use of land, the effect on rural character and appearance (in visual terms, in terms of a loss of habitat and as a result of traffic on rural lanes) and the living conditions of neighbouring residents.

The Inspector found that limited harm is caused in relation to the impact on the rural character and appearance of the area, found that significant harm has been caused to existing site habitats and identified that the development had caused deterioration to ancient woodland. It was also found that harm was caused to the living conditions of as a result of noise disturbance. No harm was identified in relation to the impact on rural lanes.