

**PLANNING COMMITTEE – 22 JUNE 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 – Greet Cottage Lady Margaret Manor Road Doddington**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

**Observations**

The Inspector disagreed with the Council's assessment of the impact of the proposed replacement dwelling upon the landscape and scenic beauty of the Area of Outstanding Natural Beauty, and found the proposal to be acceptable in this regard. However, the Inspector found that the proposed development did not adequately demonstrate the effect on biodiversity and the measures necessary to avoid, mitigate or compensate for any negative effects. The proposal therefore had potential to result in significant harm to biodiversity, including protected species and the appeal was dismissed on this basis.

- **Item 5.2 – Land Off Swanstree Avenue Sittingbourne**

**APPEAL ALLOWED**

**NON-DETERMINATION**

**Observations**

The Inspector found that whilst there was a moderate level of landscape and visual harm caused, he Reported that:

The public benefits identified above decisively outweigh this harm. Accordingly, there are no policies in the Framework of relevance to this appeal that protect areas or assets of particular importance that provide a clear reason for refusal, and the so called 'tilted' balance of paragraph 11(d)(ii) of the Framework is engaged.

Drawing together the above harms and benefits, even though the Council's stated housing land supply shortfall is small and alternative sites of lower grade agricultural land may be available, the adverse effects of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. Although the proposal would conflict with the development plan as a whole, material considerations indicate a decision other than in accordance with it.

My overall planning balance concludes in favour of the development on the basis of the Council's housing supply position of 4.8 years. Therefore, even though the appellant contends that this is overstated, asserting it to be 3.4 years, it is not necessary for me to reach a finding on this dispute, regardless of any additional weight that may accrue from a reduced supply.

The appeal was therefore Allowed, subject to an agreed S106 Agreement.

- **Item 5.3 – Land North of Warden Road Eastchurch**

**APPEAL DISMISSED**

**COMMITTEE REFUSAL**

**Observations**

A good decision. This related to an application that was refused by the planning committee in accordance with the officer recommendation. The Inspector agreed with the Council that the development of the site to accommodate 4 residential mobile home units would be in an unsustainable location and would be harmful to the countryside. This outweighed the benefits of the development despite the current lack of a 5 year housing supply.

- **Item 5.4 – 2 Bells Forstal Cottages Throwley Road Faversham**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

**Observations**

The Inspector agreed with the Council that the proposed shepherd's hut would not blend into its rural surroundings and as such would not conserve and enhance the natural beauty of the AONB. Also, its isolated location would mean users of the shepherds hut would be likely to rely on a car, contributing little to the rural economy local to the site and as such any benefit the proposal might bring to the vitality of the rural community would be limited.