

PLANNING COMMITTEE – 9 NOVEMBER 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 at School Lane Newington**

APPEAL ALLOWED

AGAINST OFFICER RECOMMENDATION

Observations

The Inspector reported that the main issues were: (1) the effect of the proposal on the character and appearance of the area; and (2) whether any adverse effects of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole.

In terms of main issue (1), it is agreed) that the site is not a 'valued' landscape so paragraph 174 a) of the Framework has no application.

In terms of Issue 2, the Inspector reported that the Council's inability to demonstrate five years' worth of housing means that paragraph 11 d) ii of the Framework must be applied. The parties agree that the provision of 25 houses, including 10 affordable units carries weight.

In terms of Other Matters, the Inspector reported that local residents raised issues in terms of highways and air quality. Whilst the Inspector noted what is said in the submissions made on behalf of the Parish Council but the (*Borough*) Council takes no issue with the proposal in these terms.

In terms of the Planning Obligation, the Inspector advised that there is no disagreement over most of the obligations and on my analysis, the Electric Bike Contribution, the Emissions Mitigation Contribution, the NHS Healthcare Contribution, the Refuse Contribution, the SPA Mitigation Contribution, the provision of Affordable Housing, the Community Learning Contribution, the Highways Contribution, the Libraries Contribution, the Primary Education Contribution, the Secondary Education Contribution, the Secondary Education Land Contribution, the Social Care Contribution, the Waste Contribution, the Youth Services Contribution, and the provision and transfer of the school car park, all meet the tests set out in paragraph 57 of the Framework, and Regulation 122 of the CIL Regulations.

The appeal was therefore Allowed.

- **Item 5.2 – Land Adj Checkmate New Road Sheerness**

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

The main issues were: (i) whether the proposal would provide an acceptable standard of accommodation for future occupiers, with particular regard to noise disturbance, and; (ii) the effect of the proposal on the character and appearance of the area.

The Noise Impact Assessment identified that with windows open, the internal maximum noise levels at night resulting from passing trains would exceed the recommended guidelines. The Inspector agreed with the Council that the need to keep these windows closed throughout the development would not be conducive to a healthy living environment and would result in an unacceptable standard of accommodation.

Regarding character and appearance, the Inspector concluded that an acceptable solution could reasonably be achieved at the reserved matters stage, which would reflect the prevailing character of the surrounding area.

As such, the appeal was dismissed only through failing to provide an acceptable standard of accommodation for its future occupiers. The effects were found to be significant and long lasting, and present conflict with the Framework.

- **Item 5.3 – Telegraph Pole Lower Road Faversham**

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

The Inspector agreed with the Council that the proposed mast would result in harm to the character and appearance of the area, the setting of the conservation area and the nearby listed building. The existing timber telegraph pole blends in with the surroundings, but the proposed mast would be substantially taller and visible from surrounding roads and properties, including in views within the conservation area and from the listed building along Lower Road. The Inspector concluded that due to its height, bulk, and utilitarian appearance it would appear as an incongruous and visually dominant structure and the removal of the existing telegraph pole and equipment cabinets from the conservation area would not outweigh the harm. The Inspector acknowledged it would not increase the number of masts but nonetheless would be a new installation. The Inspector concluded that the appellant had not demonstrated a robust sequential approach to site selection or that all potential opportunities to use existing buildings, structures or masts had been considered and on this basis the Inspector dismissed the appeal.

- **Item 5.4 – Land to east of Lynsted Lane Lynsted**

APPEAL ALLOWED**AGAINST OFFICER RECOMMENDATION****Observations**

The Inspector identified the main issues as (1) whether the development site was suitably accessible to services and facilities, and whether (2) the proposal complies with the Council's settlement strategy.

The Inspector notes the proximity to the site to convenience and specialist retail stores, eating establishments including a pub and takeaways, and schools; in addition, there are bus stops close by, and it is concluded that the site is suitably located in terms of its accessibility to services and transport options, complying with the NPPF.

In terms of the settlement strategy, the site is located within the open countryside, outside built-up area boundaries, and does not use previously developed land; there is no conflict with Policies ST1 and ST3 of the Local Plan.

However, given the Council's Land Supply position of 4.83 years, the titled balance needs to be applied. In this regard, the benefits of the scheme, including the delivery of 10 no. houses, would outweigh any adverse impacts.

The appeal was therefore Allowed.

- **Item 5.5 – Land Adj The Coach House Chalkwell Road Sittingbourne**

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

The Inspector agreed with the Council that the new dwelling will have a harmfully dominant and overbearing effect on the outlook of occupiers of The Coach House. The Inspector did not share the Council's view that the proposal would fail to provide an acceptable amount of private amenity space for future occupiers and would lead to harmful overlooking of neighbouring properties along Staplehurst Road, and as such the appeal was only dismissed on the harm caused to The Coach House.

- **Item 5.6 – Oast View Track to Kingsdown Church Kingsdown**

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

The Inspector agreed with the Council that the proposed dwelling would not be in a suitable location and would cause harm to the character and appearance of the landscape and scenic beauty of the AONB. The Inspector disagreed with the Council's view that no harm would be caused to nearby listed buildings and stated that the

proposal would harm the significance of designated heritage assets in particular Church Oast and the Church of St Catherine and therefore also dismissed the appeal on this basis.

- **Item 5.7 – 4 The Retreat The Street Doddington**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector agreed with the Council that the extension of the residential curtilage into agricultural land would cause harm to the character and appearance of the surrounding area and would fail to enhance the special qualities and distinctive character of the AONB. This effect would be significant due to the prominence of the development in views from public vantage points.