

PLANNING COMMITTEE – 6th February 2025**PART 5**

Report of the Head of Planning

PART 5Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Land north of Lower Road, Eastchurch ME12 4DE**

PINS Decision: APPEAL ALLOWED**Committee or Officer Decision : COMMITTEE REFUSAL****Observations**

Outline planning permission was sought, with all matters reserved except for the means of access onto Lower Road, for the erection of up to 63 dwellings. The main issues were found to be the impact on the character and appearance of the area and the local landscape, the impact on local services and infrastructure and the impacts on Special Protection areas and Ramsar Sites.

In relation to Infrastructure and Services, the Inspector found that the proposal would comply with Policy ST3 of the Local Plan insofar as it identifies that the Rural Local Service Centres will provide the tertiary focus for growth in the Borough and the primary focus for the rural area. It was also found that the proposal would accord with the aims of the Framework which expect policies to identify opportunities for rural settlements to grow and thrive, especially where this will support local services. Furthermore, because of the proposed planning obligations there was found to be compliance with Policies CP5, CP6, DM6 and DM17, with there being no harm in relation to infrastructure capacity. The Section 106 agreement also secured adequate mitigation to address the potential impact on the Special Protection Area and Ramsar Sites.

The Inspector identified that the proposals would conflict with policies ST3 and ST6 as a result of the site being outside of any defined built-up area boundaries. Moreover, after providing an extensive commentary, it was also found that there was moderate harm to the landscape, which would conflict with policies ST3 and ST5 and the part of the NPPF that decisions to recognise the intrinsic character and beauty of the countryside. No other harm was identified.

On balance, the Inspector found that the benefits of providing housing at a time when a 5 year housing land supply is not able to be demonstrated, providing 15% affordable housing, providing open space, the proposed biodiversity net gain, the provision of a mobility hub and the economic benefits (including the support for local shops and services provided by future residents), were not outweighed by the harm that had been identified. The appeal was therefore allowed and planning permission was granted.

- **Item 5.2 – Land to the North of Lower Road, Teynham, Kent ME9 9EQ**

PINS Decision: APPEAL DISMISSED**Committee or Officer Decision : DELEGATED REFUSAL**

Observations

Whilst four reasons for refusal were set out at the time that the application was refused, the provision of a Section 106 agreement and Officers taking a pragmatic stance as a result of material changes in circumstances and other decisions, meant that just one area of disagreement remained to be considered by the Planning Inspector. This was whether the development would provide a safe and suitable pedestrian access for its future occupiers.

A footpath through a neighbouring site was intended to be relied upon as a primary pedestrian access to Teynham. However, that route was not considered to be acceptable by the Inspector and there were grounds for the Inspector to be uncertain that this would be able to be provided. Therefore, it was not considered to be acceptable to rely on that route in order to provide future occupiers with adequate pedestrian access. The proposal was therefore considered to be contrary to policies ST1 and CP2 and the NPPF.

The Inspector considered benefits arising from the proposal including the provision of housing at a time when a 5 year housing land supply is not demonstrable, the economic benefits of the proposals (during and after construction), the efficient use of land, the provision of open space and the potentially quick build-out of the development. However, it was found that the harm arising from the development having inadequate access and the associated conflict with the NPPF, significantly and demonstrably outweighed those benefits. Therefore the appeal was dismissed. An application for an award of costs was also refused.

- **Item 5.3 – Pear Tree House, Otterham Quay Lane, Upchurch, Kent ME8 8QW**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the demolition of 4 agricultural buildings and the erection of two dwellings. The main issues considered by the Inspector were whether the site was a suitable location for development, the impact on the Important Local Countryside Gap (ICLG) and whether there was a fallback position that justified any identified harms being found to be acceptable. The impact on habitat sites was also addressed but not considered further due to the overall conclusion that was reached.

The Inspector found that, due to the inevitable reliance on private vehicles, the site was not a suitable location for development. It was also found that the location of the proposal would conflict with the strategy as set out within the Local Plan. Therefore, the proposal would found to be contrary to policies ST1, ST3, CP3, CP4, DM14 and DM25.

It was set out that the proposed dwellings would be of a materially different form, scale and design to the existing buildings they would replace and, due to their form, layout and fenestration, the proposed dwellings would appear somewhat incongruous on the site. The positioning of the dwellings was particularly considered to be harmful and it

was found that the proposal would undermine two of the purposes of the ICLG. Therefore, the proposal would conflict with policies ST1, CP3, CP4, DM14 and DM25.

The existence of a permitted development fallback was acknowledged and considered. Notwithstanding the conflict with policies, the fallback was considered to be grounds to conclude that the location of the development should be found acceptable. However, as the proposed dwellings would not be broadly comparable to the development that was the subject of the appeal, it was not considered to be grounds to find the visual impact of the proposals acceptable.

Having then considered other relevant factors, the Inspector concluded that the harm arising from the proposals would significantly and demonstrably outweigh the benefits. Consequently, the appeal was dismissed.

- **Item 5.4 – Thompson Hall, St Michaels Road, Sittingbourne, Kent ME10 3DN**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the erection of 9 flats within a four storey building. The main issues considered by the Inspector were the impact on the character and appearance of the area and the Sittingbourne Conservation Area and the living conditions of future occupiers. Although matters of waste storage and the Special Protection Area (SPA) were also raised, it was found that the waste storage arrangements would be acceptable and the impact on the SPA could be addressed.

The Inspector agreed with the Council that the building at the site makes a positive contribution to the Conservation Area and, therefore, its demolition would cause less than substantial harm. It was found that the height of the building would be acceptable, but the *“the proposal’s blocky and rectangular form would not reflect the building typology found within the immediate grouping of buildings which the appeal site sits within, or the wider CA. Consequently, the proposal would not reinforce the local character of the area, and it would be a harmful feature in the local views from the rear of the appeal site.”* Moreover, the flat roof form would be an uncharacteristic addition to the CA’s street scene, with the harm caused by this heightened due to the prominence of the building. The proposal was therefore found to conflict with Policies CP4, CP8, DM14, DM32 and DM33 and, in the absence of public benefits that outweigh the identified harm, the proposal would also conflict with the NPPF in heritage terms.

It was found that two of the flats were unacceptable as a result of future occupiers having inadequate privacy. In this regard the proposal conflicts with Policy DM14.

The impact on heritage assets meant that the approach set out at paragraph 11d) of the NPPF did not apply and it was found that the harm caused in both of the abovementioned respects would outweigh the benefits of the proposal. It was concluded that both the Local Plan and the NPPF indicated that planning permission should be refused and so the appeal was dismissed.

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- **Item 5.5 – Cherrymere, Keycol Hill, Bobbing, Kent ME9 7LG**
PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for works to the roof of a dwelling, including a dormer and a gabled roof addition as well as a replacement garage. The main issue was the impact of the developments on the character and appearance of the area.

It was found that the proposed dormers would dominate the roof, appear ‘top-heavy’ and detract from the appearance of the bungalow. It was also found that the dormers were not reflective of the locality, being incongruous and poorly proportioned. The size of the garage was also considered to be unacceptable as a result of its scale being far greater than other outbuildings with the area and it being visually dominant of the plot. The proposal was therefore found to be contrary to policies SP3, CP4, DM11, DM14 & DM16 and, whilst other matters were considered, it was concluded that the appeal should be dismissed.