

PLANNING COMMITTEE – 6th March 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 – 31 Brecon Chase, Minster On Sea ME12 2HX**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

A Certificate of Lawfulness was sought for the siting of an ancillary temporary structure on the grounds that it is a “caravan” and would be used for purposes that are ancillary to the primary use of the site.

In assessing whether the item represented a caravan, the Inspector assessed the means of constructing the item and its mobility. The Inspector found that insufficient evidence had been presented with the application for it to be concluded that the item met the definition of a caravan.

The Inspector then undertook an assessment as to whether the item represented a building having regard to the conventional tests of physical attachment, permanence and size. The Inspector concluded that the item did represent a building.

The Inspector identified that the development could not represent permitted development, due to the use of the building not being incidental to the use of the host dwelling. As planning permission had not been granted for the development, it was concluded that the development was not lawful and that the Council’s refusal to grant a Certificate of Lawfulness was well-founded.

- **Item 5.2 – Digswell, Lower Hartlip Road, Hartlip, Kent, ME9 7SX**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the demolition of two existing buildings at the site and the erection of four dwellings. 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 and services, the limitations on travelling by modes of transport other than the car 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.

The suburban, cramped and contrived layout of the development, the awkward shape and size of the plots, the dominance of the turning and parking areas, the overall amount of development and the conflict with the character of the area led the Inspector to conclude that the visual impact of the development was unacceptable and contrary to the development plan.

Even having had regard to several other factors, including other approvals at the site, the Council's housing supply position and other benefits arising from the proposal, the Inspector concluded that the harm arising from the proposal significantly and demonstrably outweighed the benefits. The conflict with the development plan was, therefore, not outweighed by the NPPF or any other material considerations and the appeal was dismissed.