

**PLANNING COMMITTEE – 3<sup>rd</sup> April 2025**

**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 – 2 Marsh View, Conyer Road, Conyer, ME9 9HX**

**PINS Decision: APPEAL DISMISSED**

**Committee or Officer Decision : DELEGATED REFUSAL**

**Observations**

Planning permission was sought for a new dwelling on land adjacent to an existing dwelling. The main issues were whether the development passes the flood risk sequential test and the effect on the Swale Special Protection Area (SPA).

Whilst the Inspector supported the appellant's approach to the application of the Sequential Test in many respects, some omissions and discrepancies were identified and, as such, the Inspector found that the proposal did not pass the Sequential Test. Moreover, as the financial contribution required to mitigate the impact on the SPA has not been secured, it was concluded that the Conservation of Habitats and Species Regulations preclude the proposal from proceeding. The proposal was found to be contrary to the development plan as a result of both of these matters and there were no material considerations that outweighed the harm caused by the conflict with the development plan. Therefore the appeal was dismissed.

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- **Item 5.2 – 23 Barton Hill Drive, Minster on Sea, Kent, ME12 2NE**

**PINS Decision: APPEAL DISMISSED**

**Committee or Officer Decision : DELEGATED REFUSAL**

**Observations**

Planning permission was sought for a single storey front extension. The main issue was the effect of the development on the character and appearance of the host dwelling and the streetscene.

The Inspector found that the forward projection, close to Darlington Drive, would be out of keeping with the pattern of development and, therefore, be a prominent feature. As a result, a negative visual impact was identified and the proposal was found to be contrary to the development plan and the Council's "Designing An Extension" SPG. A garden structure in a nearby property that is visible from the public domain was found to be materially different and therefore not grounds to find this proposal acceptable. The appeal was, therefore, dismissed.

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- **Item 5.3 – Land North of 24 Jetty Road, Warden Bay, Sheerness, ME12 4PR**

**PINS Decision: APPEAL DISMISSED**

**Committee or Officer Decision : DELEGATED REFUSAL**

**Observations**

Planning permission was sought for the erection of a pair of semi-detached dwellings. Whilst two of the reasons for refusal related to the flood risk sequential test and the impact on Habitat sites, the submission of additional information and the making of the conventional SAMMS payment meant that these reasons for the refusal of the application were resolved. The main issues were therefore deemed to be whether the site was a suitable location for housing in the context of coastal change and the associated development plan and national policies and the effect of the proposal on ecology.

The access to the site would be within a Coastal Change Management Area and, whilst the dwellings would not be and the whole site is outside Erosion Zones 1 and 2, the site is within the area addressed by the Medway Estuary and Swale Flood and Erosion Risk Management Strategy. Residential development is restricted in such locations by national policy and guidance and local plan policy DM23 and the Inspector concluded that they could not be certain that the development would not be at risk within its lifetime.

The impact on ecology was, however, considered to be acceptable due to the Inspector being satisfied that there was scope to mitigate the impact of the development on reptiles through their relocation. Moreover, the proposal to provide soft landscaping within the site was considered to have the potential to represent a biodiversity net gain.

Even having regard to the Council's housing supply position, the Inspector found that the conflict with coastal change policies represented a strong reason to refuse the application and the benefits of the proposal did not outweigh the harm with the development plan. Consequently the appeal was dismissed.