

PLANNING COMMITTEE – 11th September 2025**PART 5**

Report of the Head of Planning

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

- **Item 5.1 – 6 Lawday Avenue, Eastchurch, Sheerness, Kent ME12 4BJ**

PINS Decision: Appeal Allowed**Committee or Officer Decision : Delegated Refusal****Observations**

Planning permission was refused, retrospectively, for the erection of a fence at the front and side of the application site. The main issue was the visual impact of that fence the locality. The Inspector found that the provision of fencing was not unusual in a residential setting and, by virtue of the limited height and extent of the fence, it was considered that the development would not be prominent or incongruous. The removal of permitted development rights for fences, the openness of the existing frontages of the properties with the area and the 'uncharacteristic' visual impact were not found to be reason to find the proposal. The appeal was, therefore, allowed.

- **Item 5.2 – A299 Thanet Way, Hernhill, Kent, ME13 9EL**

PINS Decision: Appeal Dismissed**Committee or Officer Decision : Delegated Refusal****Observations**

The application sought advertisement consent for an internally illuminated digital hording sign and the main issue was the effect of the development on visual amenity. The Inspector identified that the area already features numerous signs, illuminated and non-illuminated and other brightly coloured canopies and features. However, it was identified that these all related to uses at the wider site, as opposed to this proposal which was for generic advertising. The size of the signage was identified to be considerably larger than other signs and this would not have been mitigated by the proposed additional soft landscaping. The proposal was found to be an unexpected, overly unduly intrusive feature in its setting. The benefit of transitioning from 'paste and paper' adverts and an example from 400 miles away were not considered to be reason to reach a different view. The visual impact was therefore considered to be harmful and the appeal was dismissed.

- **Item 5.3 - Ivy Pham House, 123 Marine Parade, Sheerness ME12 2BX**

PINS Decision: Appeal Dismissed

Committee or Officer Decision : Delegated Refusal

Observations

Planning permission was sought for a three bedroom dwelling. The main issues were the application of flood risk policies, the impact on highway safety and the impact on designated habitat sites. In relation to the last of these issues, whilst the appellant indicated that they would make the SAMMS contribution, it had not been received and had not been secured and, therefore, the impact on habitats was found to be a reason to object.

In terms of flood risk, the failure of the sequential test was found to be in conflict with policy and reason to object to the proposal. The content of the Flood Risk Assessment and undertaking an exception test was not reason to reach a different decision. Moreover, whilst it was noted that an earlier permission had been granted, that had not been the subject of the sequential test and, as that permission had expired, it was not considered to be determinative.

In relation to highway safety, since the previous application, the ownership of a parcel of land had changed hands and was no longer available to provide the visibility splays that are needed to enable the provision of safe access. The Inspector identified that inadequate visibility splays would be likely to be provided and insufficient evidence had been provided to demonstrate that safe access to and from the site could be achieved.

The Inspector undertook a planning balance assessment and concluded that the harms significantly outweighed the benefits arising from housing supply and minor economic benefits. The appeal was, therefore, dismissed.

- **Item 5.4 – 34 Court Tree Drive, Eastchurch, Kent, ME12 4TR**

PINS Decision: Appeal Allowed

Committee or Officer Decision : Delegated Refusal

Observations

Planning permission was refused, retrospectively, for the erection of a fence and gate at the front of the application site. The main issue was the visual impact of that fence the locality. The Inspector found that whilst the fencing is not frequently replicated elsewhere in the locality, the modest height of the enclosures and visual permeability of the site meant that the structures “integrate effectively within the streetscene.” It was identified that there was one comparable fence within the locality and, as such, the development respects the established character of front boundary treatments in the area and does not appear visually intrusive or unsympathetic in its context. The appeal was, therefore, allowed.

- **Item 5.5 – Vanity Farm Camp, Leysdown Road, Leysdown, Kent, ME12 4LN**

PINS Decision: Appeal Dismissed**Committee or Officer Decision : Delegated Refusal****Observations**

A condition of planning permission SW/11/1608 restricts the timing when accommodation can be occupied at the site, being only from 1st March to 2nd January the following year. This application sought permission to remove the condition and, therefore, enable year round occupation. A request to consider the proposal on the basis of an 11.5 month restriction was not accepted as it was considered that this would prejudice the assessment of the proposal by others. A temporary permission was, however, considered.

In this case, the impact of the proposed amendment on designated habitat sites was considered to be unacceptable. It was contested that a SAMMS payment was not required given the pre-existing use but the Inspector found that there would be an increase in residential use and, in turn, this needed to be mitigated. In the absence of the contribution being secured, it was considered that the proposal would be likely to have a significant effect on the habitat site.

In terms of character and appearance, the Inspector stated that *“even with quite a low level of occupancy, the appeal scheme would result in some increases in activity, some additional traffic, lighting in chalets, and also potentially some increased use of lighting within the park. This all might have a limited discernibility above those from local residents, the limited sites with year-round occupation, streetlamps, businesses and other buildings. Nevertheless, there would be some adverse effects upon the character of the area during this traditionally quieter and darker time of the year.”* A Written Ministerial Statement that was applicable in the terms of the Covid-19 pandemic and the Council's Interim Park Homes Policy carried little weight in the Inspector's considerations. Similarly, other sites, earlier breaches of planning control and other comparable matters put forward by the appellant did not lead the Inspector to a different view.

The circumstances and requirements of individuals were considered by the Inspector who found that the interference with the rights of affected individuals are proportionate and necessary, and the wider community or public interest having regard to the conflict with development plan policy objectives of preventing adverse effects upon local character, and preventing in LSEs upon habitats sites in breach of the Regulations, is not outweighed by the qualified rights under Articles 1, 8 and 14.

The appeal was therefore dismissed.

- **Item 5.6 – Units 1 & 2 Parsonage Farm, Seed Road, Newnham, Kent, ME9 0NA**

PINS Decision: Appeal Dismissed

Committee or Officer Decision : Appeal Against Non-Determination

Observations

The application was described as a change of use to residential and the demolition of industrial units to enable the construction of four houses. The absence of a SAMMS payment and the failure to mitigate the impact of the development on habitat sites was a ground of objection. Moreover, the Inspector found that insufficient justification had been provided for the loss of the existing employment uses and it was concluded that the site was not well-located for access to services and facilities by non-car modes of transport. The proposal was therefore contrary to Policy ST3 for both of these reasons. Although an outline application, it was found that the development would inevitably harm the character and appearance of the area and fail to conserve or enhance the Kent Downs National Landscape and it was found that it had not been demonstrated that the proposal would be able to accord with the Council's policies that relate to character and appearance and, in particular, the KDNL.

No objection was raised on the grounds of the impact on protected species or the impact on heritage assets and the proposal was found to be acceptable in a number of other respects. However, the identified harms were considered to outweigh the benefits which included the supply of housing, drainage and BNG benefits, a reduction of anti-social behaviour and energy generation. The appeal was, therefore, dismissed.

- **Item 5.7 – Redcot, Bell Farm Lane, Minster-on-sea, Kent, ME12 4JB**

PINS Decision: Appeal Dismissed

Committee or Officer Decision : Delegated Refusal

Observations

Outline planning permission was sought for a dwelling. Whilst the location for the proposed development was found to be acceptable in most respects, the unjustified location of the development within a Coastal Change Management Area was considered to conflict with Policy DM23. The proximity of the site to a potential caravan park was considered to make it likely that residents of the proposed dwelling would be subjected to unacceptable disturbance from vehicle movements. In this regard, it was noted that the use had ceased but could be re-instated and so that had to be the basis for the assessment.

No objection was raised on the grounds of the impact on the character and appearance of the area or on the setting of nearby heritage assets. Moreover, the access and parking arrangements were considered to be likely to be found acceptable and as such, noting that the application was submitted in outline, this was not a reason for the Inspector to object to the proposal. It was also considered that the statutory requirement to achieve BNG would ensure compliance with local plan policy DM28.

A planning balance was considered in light of the housing supply benefits of the proposal. Moreover, the personal circumstances of the appellant and the requirements

of the Public Sector Equality Duty were considered. However, the identified harms were considered to outweigh the benefits of the proposal and, as such, it was considered proportionate and necessary to dismiss the appeal.

- **Item 5.8 – 51 Parsonage Chase, Minster-on-sea, Kent, ME12 3JX**

PINS Decision: Appeal Dismissed

Committee or Officer Decision : Delegated Refusal

Observations

Planning permission was sought for a detached bungalow. The effect of the development on the living conditions of neighbouring residents at 5 Tysoe Court and 49A, 51 and 53 Parsonage Chase was the main issue. In this regard the Inspector concluded that, *“due to the proposed dwelling’s height and mass and the limited separation between the proposed dwelling and no 5’s rear elevation, the proposal would have a harmful enclosing effect on no 5. The proposed dwelling would appear visually dominant and overbearing from no 5’s garden and rear-facing rooms. Whilst I note the change in ground levels between the site and no 5, I do not consider this would adequately mitigate the adverse effects on outlook.”* Moreover, it was found that *“the proposed dwelling would be very close to the boundary with no 49A. There would be a separation distance of just 5.75m between the proposed dwelling and no 49A’s end elevation, which contains the main kitchen window. In addition, the proposed dwelling would be close to no 49A’s modest garden, including its patio area. Through its height, siting close to the shared boundary, and scale and mass, the dwelling would appear bulky and imposing from no 49 and its garden.”* Moreover, the proposed access was considered to cause noise and disturbance to the detriment of the residents of 51 and 53.

The benefits of housing supply (one dwelling) and small environmental and economic benefits were found to be clearly outweighed by the harms. Therefore, the appeal was dismissed. The impact on habitat sites was not considered given the overall outcome.

- **Item 5.9 – Land at Honeysuckle Drive, Minster-on-Sea, Sheerness, Kent, ME12 3RE**

PINS Decision: Appeal Dismissed

Committee or Officer Decision : Delegated Refusal

Observations

Planning permission was sought for a pair of three bedroom detached dwellings with associated developments including garages and the main issues were the impacts on the provision of open space and highway convenience.

The site, which had been a construction compound, was approved and secured as open space under the terms of the Harps Farm, Thistle Hill Way development and, whilst the applicant considered that it should not be considered as open space due to it being enclosed with fencing, the Inspector disagreed and concluded that the protection set out within Policy DP17 is applicable. The Inspector considered that the site would be suitable for use as natural or semi-natural greenspace and that, if provided as had been intended, it would be a useful and desirable open space of benefit to local occupiers and

the area. A quantitative assessment of open space provision was undertaken and it was concluded that there was not sufficient open space within the area to consider that the site was surplus to requirements.

In terms of highway convenience, it was noted that the proposed garages were of inadequate width and therefore, it was likely that cars would be parked within the highway. It was considered that this could reduce the space for turning and cause obstruction and waiting traffic. This was not considered to be unsafe, but inconvenient in way that was contrary to Policy DM7 and the Council's parking standards.

A planning balance exercise was undertaken with limited weight being afforded to the limited housing supply benefit and moderate weight being afforded to landscaping and biodiversity benefits. The proposal being acceptable in other respects weighed neutrally and the harm to highway convenience was only given limited weight. However, significant weight was given to the loss of open space and this was considered to be reason to conclude that the appeal should be dismissed.

- **Item 5.10 – 22 East Street, Sittingbourne, ME10 4RT**

PINS Decision: Appeal Allowed

Committee or Officer Decision : Delegated Refusal

Observations

Planning permission was sought, retrospectively, for a rear dormer with the main issue being the effect on the character and appearance of the area and the Sittingbourne Conservation Area.

A dormer had been approved before and, whilst Officers considered that the enlarged dormer would be visually harmful, the Inspector found that the height was comparable to that which was previously approved and the additional width did not prevent parts of the primary roof from visible at either side. Moreover, rows of tiles above the eaves would remain. Therefore, it was concluded that the dormer, which would be 'broadly set within the body of the rear roof slope' would integrate with the character and appearance of the surrounds, including the Conservation Area. The proposal was therefore considered to accord with the development plan.

- **Item 5.11 – Moat View, Church Lane, Newington, ME9 7JU**

PINS Decision: Appeal Dismissed

Committee or Officer Decision : Delegated Refusal

Observations

Planning permission was sought for 'a new build disability accommodation annexe and minor landscaping works.' The effect on the character and appearance of the area, the setting of the Grade I listed St Mary's Church and Newington Church Conservation Area were the main considerations.

The two storey dwelling was considered to represent development where none currently exists and it was noted that it would be highly visible from Iwade Road and also visible

from other private vantage points and the grounds of the church. The proposal was considered to have an urbanising effect, thereby causing harm to the transition from Newington to the countryside. This harm was considered to be contrary to the NPPF and policies ST1, ST3 and DM24 of the local plan. The mitigation afforded by existing landscaping was not considered to be able to be relied upon to overcome this harm.

Having assessed the special interest and significance of the abovementioned heritage assets, the Inspector found that the proposal would fail to preserve the setting of the church and harmfully urbanise the conservation area. The proposal was therefore considered to be contrary to the statutory requirements and it was considered that public benefits did not outweigh the identified harm. The impact on other heritage assets was considered to be acceptable. However the harm identified to heritage assets was considered to represent a strong reason for refusal and, as such, the ‘tilted balance’ was disengaged.

The personal circumstances of the applicant were considered with due regard being had to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. However, it was considered that it has not been demonstrated that the accommodation could not have been proposed in a manner that did not cause the identified harm and the PSED was not, therefore, considered to be a factor of sufficient weight to outweigh the identified harm.

Overall, the proposal was considered to be contrary to the development plan and planning permission was, therefore, refused.

- **Item 5.12 – 24 Athelstan Road, Faversham, Kent, ME13 8QL**

PINS Decision: Appeal Dismissed

Committee or Officer Decision : Delegated Refusal

Observations

Permission was sought for a replacement single storey rear extension, a side extension, a rear dormer with a Juliet balcony, rooflights, the removal of a chimney and a replacement pedestrian access gate. The impact on the character and appearance of the host dwelling and the Faversham Conservation Area (CA) were the main issues.

The extension, by virtue of its scale, roof design and side window facing onto the footpath, was considered to represent a bulky and dominant addition that would appear incongruous and discordant. The Inspector state that *“Collectively, the proposal would harm the building’s architectural integrity, disrupt the terrace’s rhythm, and harm the character and appearance of the CA.”*

The proposed dormer was said to be a *“dominating feature and overwhelming [of] the original form and proportions of the roof. Its scale, bulk, and the incorporation of a Juliet balcony would introduce an intrusive and uncharacteristic high-level feature, harmful to the host building’s architectural balance.”*

Whilst of limited visibility from Athelstan Road and it was noted that matching materials would be used, the extensions were identified to be visible from a public footpath and, from there, they would appear overbearing and visually dominant, thereby harming the character and appearance of the Conservation Area.

Other examples of development from the surrounding area were not considered to be grounds to find this proposal acceptable and the public benefit of improved accommodation was not considered to outweigh the harm to the heritage asset. Moreover, criticism of the Council relating to the use of external consultants, the publicity of the extension of the Conservation Area and the time taken to determine the application were not considered to be determinative.

Therefore, the proposal was found to be contrary to neighbourhood plan and local plan policies and the Council's SPG and the appeal was dismissed.
