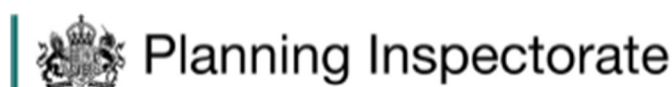


**PLANNING COMMITTEE – 11th September 2025****PART 5**

Report of the Head of Planning

**PART 5**

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



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## Appeal Decision

Site visit made on 18 June 2025

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

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**Appeal Ref: APP/V2255/D/25/3364221****6 Lawday Avenue, Eastchurch, Sheerness, Kent ME12 4BJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Darren Drinkall against the decision of Swale Borough Council.
  - The application Ref is 25/500365/FULL.
  - The development proposed is installation of timber fence to part front and side boundaries.
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### Decision

1. The appeal is allowed and planning permission is granted for installation of timber fence to part front and side boundaries (retrospective) at 6 Lawday Avenue, Eastchurch, Sheerness, Kent ME12 4BJ. The permission is granted in accordance with the terms of the application Ref 25/500365/FULL, dated 26 January 2025.

### Preliminary Matters

2. As the development has been undertaken, I have dealt with the appeal on the basis that it involves an application for retrospective permission.

### Main Issue

3. The main issue is the effect of the fence that has been erected on the character and appearance of the street scene.

### Reasons

4. The appeal property is a modern detached two storey dwelling within a residential estate of similar property types of individual design and appearance.
5. Policy CP4 of *Bearing Fruits 2031 – The Swale Borough Local Plan (2017)* requires high quality design that is appropriate to its surroundings. Policy DM14 of the Local Plan sets out a number of development criteria, including that proposals should be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location.
6. Properties in Lawday Avenue and surrounding streets have either open front boundaries or frontages that are enclosed by hedges. More generally, front gardens are well-planted, which together with the hedge boundaries gives the residential setting a pleasant, verdant character and appearance.
7. I note that a condition imposed on the original permission for residential development of the estate effectively removes permitted development rights for the

erection of means of enclosure to the front of properties, in the interests of the character and appearance of the area.

8. The front boundary to No 6 is largely open and while it is not planted but block-paved, this openness reflects the general character and appearance of the street scene and wider area. The fence that is visible within the street scene runs along the shared boundary with the neighbouring property's front garden and a short section runs along a limited part of the overall front boundary. The fence is of close-boarded timber construction and, therefore, the type of enclosure that is typically found in residential settings such as this. The limited extent and height of the fence, together with its design and materials, result in it not being a prominent or incongruous feature within the street scene.
9. I acknowledge the concern that the fence is uncharacteristic by contrast with the majority of properties with natural front boundaries in the form of hedges. However, the overall openness of No 6's frontage combined with the limited extent of the fence means that the contrast with the prevailing character and appearance is not significant and, therefore, not sufficient to result in material harm to the street scene.
10. I have had regard to the representations both in support of and objecting to the proposal. These do not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.
11. Therefore, for the reasons given, I conclude that the fence that has been erected does not have a materially harmful effect on the character and appearance of the street scene. Consequently, there is no conflict with Policies CP4 and DM14 of *Bearing Fruits 2031 – The Swale Borough Local Plan*, as described.

### **Conclusion**

12. For the reasons given above, the appeal should succeed. As the development has been undertaken, the standard conditions concerning commencement and adherence to plans are unnecessary.

*J Bell-Williamson*

INSPECTOR