

PLANNING COMMITTEE – 6th November 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 on either side of Vigo Lane and Wrens Road, Sittingbourne, Kent, ME9 8LA****PINS Decision: APPEAL ALLOWED****Committee or Officer Decision : COMMITTEE DECISION****Observations**

The application sought planning permission for a solar farm. The application was refused on the grounds of the visual and landscape impact, the impact on public rights of way, the impact on tourism and the impact on agricultural land. By the time of the Public Inquiry, the application had been amended by the applicant and the matter had been presented to the Council's Planning Committee to consider its position in light of the amendments.

In relation to the visual impact and the impact on the Kent Downs National Landscape, the Inspector found that *“the development would result in some temporary landscape and visual harm within the setting of the KDNL, the scale of which would reduce as the proposed landscaping matures. The nature of this landscaping is something that would be covered by condition. The overall effect on the landscape and scenic beauty of the KDNL, which would be preserved, would be acceptable and no harm would be caused to other important aspects of the designated area.”*

In terms of agricultural land, The Inspector concluded that *“the proposal would result in a temporary loss of B&MV agricultural land from food production. That temporary loss would have no material impact on food security. The use of agricultural land has been shown to be necessary, and no areas of poorer quality land have been identified in preference to higher quality land.”*

The Inspector considered that that proposal would have no unacceptable impacts on neighbours as a result of noise.

The Inspector also found that there would be a negligible level of less than substantial harm to heritage assets and no impacts on archaeology that could not be addressed by conditions. The harmful impacts on the heritage assets were found to be outweighed by the energy generation benefits of the proposal, the biodiversity net gain benefits and the economic benefits arising from construction and farm diversification. For similar reasons, the harms that were identified were also considered to be clearly outweighed by the benefits of the proposal.

The appeal was therefore allowed and planning permission was granted.

Item 5.2**Land at Hill Top Farm, Elverland Lane, Ospringe, Faversham, Kent ME13 0SP****PINS Decision: APPEAL DISMISSED****Committee or Officer Decision : DELEGATED REFUSAL****Observations**

The appeal related to an enforcement notice that has been served in relation to the erection of stables and kennel buildings, the erection of a timber framed kennel, the alteration of land levels and the stationing of a touring caravan. The appeal was made on Grounds C (that a breach has not occurred), F (the notice requirements are excessive) and G (that the compliance period was too short). No appeal was made on the grounds that planning permission should be granted (Ground A). As a procedural matter, the Inspector identified that the notice should refer to a part of the development in singular rather than plural terms. The Inspector was content that the Notice could be corrected in this regard.

The crux of the Ground C appeal is that the works to ground levels should, in the view of the appellant, be considered a bund and, therefore, as a means of enclosure that could be permitted development. The Inspector disagreed and found that *“the raised soil bund does not constitute a means of enclosure and is therefore not permitted by Class A, Part 2, Schedule 2, Article 3 of the GPDO”*. No case was made that the bund did not constitute development and no planning permission had been granted for the development. Therefore, the Inspector found that the raised soil bund does constitute a breach of planning control and, as a result, the Ground C appeal failed.

The Inspector amended the terminology of the requirements of the notice but found that the removal of the unlawful building at the site was necessary to remedy the breach of planning control and, in so doing, was not persuaded by the appellant's case that it would be onerous to do so. Similarly, whilst the cost of removing materials was identified as being a reason for the appellant to not be made to do so, the Inspector found that these works were necessary to achieve the purpose of the notice. Moreover, whilst the appellant cited the amount of works involved and the need to appoint suitable persons to undertake those works, which would make a year long compliance period unachievable, the Inspector was satisfied that the compliance period was proportionate. For these reasons, the Ground F and G appeals failed.

Overall, the appeal was dismissed and, subject to corrections and a variation, the enforcement notice was upheld.

Item 5.3**Land at The Yard, Beckenham Park Industrial Estate, Otterham Quay Lane, Sittingbourne ME8 7UX**

PINS Decision: Appeal A: APP/V2255/C/25/3366417
Appeal B : APP/V2255/W/25/3366416
Costs Application

NOTICE QUASHED
APPEAL ALLOWED
REFUSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought retrospectively for the use of the land as a scaffolders yard and access to that yard. In light of the evidence available and the mitigation measures that were deemed to be required at the time to address an impact on neighbouring residents that had been identified, which would not have been able to have been the subject of conditions, planning permission was refused and an enforcement notice was served on similar grounds. Both the refusal of planning permission and the enforcement notice were the subject of appeals.

By the time of the appeal, additional evidence had been submitted by the appellant to demonstrate that the impact of the use on the living conditions of neighbouring residents is not unacceptable. This was corroborated by key consultees. Having considered comments from interested parties, the Inspector concluded that the use was acceptable but that conditions were required to be imposed to limit the use in the interests of ensuring that there is no unacceptable harm to living conditions in neighbouring properties.

Planning permission was therefore granted and the enforcement notice, which was also modified through the appeal process, was quashed.

An application for an award of costs was unsuccessful with the Inspector noting that it was reasonable, in light of the evidence available, for the Council to have concluded that conditions could not have been imposed to make the planning application acceptable at the time of the determination. It was also found that it was not unreasonable for the Enforcement Notice to not have been withdrawn as, to do so, could have enabled the use to continue without permission, conditions or limitations.

Item 5.4

91 Chaffes Lane, Upchurch, Kent ME9 7BG

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

The proposed first floor rear extension would have been provided above an existing single storey extension, with the extension abutting the boundary of the neighbouring property which is described as having a modest rear projection and a shallow rear garden

The Inspector noted that the proposed extension would markedly exceed the depth of extensions that is set out within the Council's SPG guidance and, due to its scale and proximity to the boundary, would present an imposing and unrelenting mass to the neighbouring property. It was found that the extension would dominate the outlook from that neighbouring property and cause a harmful sense of enclosure that would diminish the enjoyment of the adjacent amenity space and have an overbearing and oppressive relationship.

The access to views of the countryside to the rear and the presence of the existing single storey extension were not found to be reasons to find the first floor extension acceptable and the proposal being acceptable in terms of overshadowing and loss of light was

considered to weigh neutrally in the assessment of the proposal. An example at a nearby property was not considered to be a direct parallel and the absence of any objections was not considered to be a reason to find the proposal acceptable. Similarly, the Inspector did not find it determinative that the application was determined under delegated powers rather than by the Planning Committee despite this being raised by the appellant. The Inspector also found that, having had regard to the Public Sector Equality Duty and the Human Rights Act, the public interest of protecting living conditions within the neighbouring property meant that it was proportionate and necessary to dismiss the appeal.

The appeal was, therefore, dismissed.

Item 5.5

The Lodge, Hawks Hill Lane, Bredgar, Kent ME9 8HE

PINS Decision: APPEAL ALLOWED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was refused for a double garage with a porch link to the dwelling. The main issue was identified to be the visual impact of the proposal, having regard to the character and appearance of the existing building and the area, including the Kent Downs National Landscape (KDNL).

Having assessed the character of the area and the contribution it makes to the KDNL, the Inspector noted that the development would be subservient to the host dwelling and use matching materials. The Inspector recognised that the extension would cause the dwelling to no longer appear as a modest bungalow, being a more noticeable building. However, the original building would remain discernible and the new extension was not considered to be so large as to overwhelm the dwelling or be unduly prominent. It was found that wider views would be limited and that the prominence of the dwelling would not be so intrusive that it would spoil the landscape or visual qualities of the KDNL. The impact on the KDNL was therefore considered to be acceptable and it was found that the proposal would not cause harm to the character and appearance of the dwelling or the wider area. Therefore, the appeal was allowed subject to conditions.

Item 5.6

Land rear of 6 Coastguard Cottages, Plough Road, Eastchurch, Sheerness, Kent ME12 4JH

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for a bungalow. The SAMMs payment had not been made at the time that the appeal was determined and this was, therefore, a fundamental flaw with the proposal. Setting that aside, the Inspector found that the site was suitable for development in terms of accessibility of services and facilities. However, the proposal was found to be contrary to the settlement strategy with associated harm being identified in relation to the proliferation of development in the open countryside. It was also found that there was harm caused by the development not reflecting the positive characteristics and features of the site and the locality and not strengthening the sense of place, thereby being contrary to Policies DM14 and CP4.

The Inspector undertook a balancing exercise, having regard to the above considerations and harms and the benefits arising from the proposal in terms of housing supply, potentially quick delivery and minor economic benefits. Overall, it was concluded that, particularly in light of the failure to mitigate the impact on the Special Protection Area and Ramsar site, neither the NPPF nor the development plan indicated that planning permission should be granted. The appeal was, therefore, dismissed.

Item 5.7**2 Parsonage Chase, Minster-on-Sea, Kent ME12 3JL****PINS Decision: APPEAL DISMISSED****Committee or Officer Decision : DELEGATED REFUSAL****Observations**

Planning permission was sought for the demolition of outbuildings and the erection of two bungalows. The main issues were the impact on the character and appearance of the area and the living conditions of neighbouring residents.

The Inspector noted the set-back and spacious arrangement of dwellings in the area and found that the proposed access arrangements and backland dwellings on subdivided plots would be unreflective of the predominant layout and prevailing linear pattern of development. Whilst the design of the bungalows was not found to be out-of-keeping, the resultant small plot size of the host dwelling, the highly conspicuous nature of one of the dwellings and the access and parking arrangements led the Inspector to conclude that the development would appear visually cramped and be at odds with the character of the area. The scale of the existing ancillary buildings at the site was not considered to be grounds to reach a different view as they have an inherently different effect. The proposal was therefore found to be contrary to local plan policies CP3, CP4 and DM14.

The main concern around the living conditions of neighbouring residents was the disturbance arising from vehicle movements serving the development which would unavoidably pass close to a dwelling. The impact of this the additional activity on the occupiers of one neighbouring resident was found to be harmful and contrary to local plan policies CP4 and DM14.

The Inspector weighed these harms against benefits of the proposal, including the small boost to housing supply, the potential quick delivery of the dwelling, a potential benefit arising from BNG, and economic benefits arising from development. Areas where the

proposal was simply acceptable did not weigh for or against the proposal. Overall, the Inspector found that the harms significantly and demonstrably outweighed the benefits and, therefore, the appeal was dismissed.

Item 5.8

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 the existing buildings at the site, which could have been converted to dwellings under the terms of permitted development rights, and their replacement with a single dwelling. This appeal follows another recent appeal which related to a scheme proposing two dwellings. That appeal was also dismissed.

The site was found to make a positive contribution to the ILCG in this area and it was found that the development of the site, even though it would reduce the amount of built form at the site, would encroach into and harmfully erode the rural character of the site and the area. The Inspector noted that the domesticated appearance of the site, the large two storey dwelling, the car parking and detached double garage and the general change to the character of the site would cause it to have an urban appearance. The loss of rural character was found to be seriously harmful. The fallback position of the abovementioned conversion was considered to be less harmful than the situation that would arise from the proposed development. The proposal was therefore found to be contrary to policies CP4, DM14 and DM25.

In terms of accessibility, the Inspector found that the proposal was as acceptable as the fallback position and, therefore, raised no objection on this ground. The Inspector had regard to the modest benefit to housing supply, the inability of the Council to demonstrate a 5 year housing land supply, the potential for the development to provide a self-build dwelling and the social and economic benefits of development. Limited weight was given to the conflict with the settlement strategy.

Overall, the visual harm was found to significantly and demonstrably outweigh the benefits of the proposal and, therefore, the presumption in favour of sustainable development was not considered to apply. The development plan was found to indicate that planning permission should be refused and, therefore, in the absence of material considerations to the contrary, the appeal was dismissed.