

PLANNING COMMITTEE – 4th December 2025**PART 5**

Report of the Head of Planning

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

- **Item 5.1 – Light Industrial Unit (Disused), Land Adjacent to Pebble Court Farm, Woodgate Lane, Borden, Sittingbourne ME9 7QB**

PINS Decision: APPEAL DISMISSED**Committee or Officer Decision : DELEGATED REFUSAL****Observations**

Planning permission was sought for the conversion of a building, said to be dilapidated but formerly in use for light industrial purposes, into a three bedroom dwelling and the conversion of another building into a home office. The main issues were the suitability of the location for a dwelling and the acceptability of the proposal in the context of the supply of rural employment sites.

In respect of the first issue, the site being in the countryside, accessed only from a narrow track and distant from all shops and services needed for day to day living lead the Inspector to conclude that the proposal was contrary to the settlement strategy and would lead to occupiers being entirely reliant on private vehicles.

In relation to the loss of the employment use, having considered the case of the appellant, the Inspector found that *“the evidence does not adequately demonstrate that there is no demand for rural employment at the site, or that its commercial use would be unviable.”* The proposal was therefore found to be contrary to Policy DM3.

Other developments and permission in the general area were not found to be relevant by the Inspector who undertook a balancing exercise, having regard to the Council's housing land supply, the economic benefits arising from construction and occupation, the provision of a home office to reduce commuting and the energy efficiency credentials of the proposal relative to the existing situation. The Inspector was not persuaded to give weight to the potential for the site to provide a self-build dwelling as this was not secured. However, these benefits were found to be outweighed by the identified harm and the conflict with the development plan. The appeal was, therefore, dismissed.

- **Item 5.2 – Cowstead Farm, Queenborough Road, Halfway, Kent ME12 3RL**

PINS Decision: APPEAL DISMISSED**Committee or Officer Decision : DELEGATED REFUSAL****Observations**

Planning permission was sought for the demolition of the existing farmhouse at the site and the erection of 6 dwellings. There were five key areas of consideration which shall be addressed in turn below.

Firstly, in terms of the Settlement Strategy, whilst close to built-up area boundary and near to shops and services, the Inspector noted that the site was in the countryside and the site was not served by routes that would be conducive to walking or cycling. It was found that forthcoming developments within the area and a nearby PRow did not compensate for the existing discouragement to cycling and walking that exists. It was also noted that the site was not well served, at this time, by bus and train services. For these reasons, the site is not *“adequately accessible by sustainable modes of transport.”* Therefore, *“future occupants would be heavily reliant on the private car.”* A prior approval for conversion of buildings was noted but not found to be reason to make a different assessment of the above and the Inspector therefore found the proposal contrary to the settlement strategy and policies DT1, ST3 and CP2.

The second issue was the character and appearance of the development. In short, it was found that the farmhouse and its spacious rural surrounds were a positive feature and the development *“would erode significantly the spaciousness of the appeal site which contributes significantly to its rural character.”* The proposal was not considered to be reflective of the character and appearance of the site and the surroundings and would have the effect of urbanising the site and locality. Notwithstanding the potential domestication of the site caused by a prior approval, it was found that the proposal would harm the character and appearance of the area in a manner that would be contrary to policies ST1, ST3, CP4 and DM14.

Thirdly, the Inspector assessed the acceptability of demolishing a non-designated heritage asset, i.e. the farmhouse at the site. The Inspector assessed the building and its value before concluding that its *total loss* would cause considerable harm and cause the loss of functional link with other heritage assets. Efforts to downplay the value of the building by the appellant were not agreed and their evidence relating to the ability to bring the building back into use was not considered to be grounds to find this harm acceptable. The proposal was therefore found to be contrary to Policy CP8 and the harm was given moderate weight.

The landscape impact of the proposal was found to be acceptable. However, in respect of the Important Local Countryside Gap (ILCG) that the site is located within, whilst the proposal was found to not conflict with some of the purposes of the ILCG, it was found to *“result in the intensification of built form on the appeal site resulting in the loss of a more open and undeveloped area and that the proposed built development would change the rural open character. As such, the proposal would be at odds with two of the purposes of the ILCG.”* The conflict with Policy DM25 was given limited weight.

The Inspector summarised areas where the proposal was acceptable and had regard to benefits arising from housing supply, economic development, BNG and the energy efficiency credentials of the proposal. However, the identified harm was found to significantly and demonstrably outweigh the benefits of the proposal. The appeal was, therefore, dismissed.

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- **Item 5.3 – 89 Victoria Street, Sheerness, Kent ME12 1YF**

PINS Decision: APPEAL ALLOWED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

A Certificate of Lawfulness was sought for an outbuilding in the curtilage of a dwelling and refused, in 2023, on the grounds that the proposal did not appear to be proposed to meet a use that would be incidental to the enjoyment of the dwelling, as is required for under the terms of the applicable permitted development right. The Inspector concluded that the details within the submissions were sufficient to conclude that the use of the building would be incidental to the dwelling and, therefore, the appeal was allowed and a Certificate of Lawfulness was granted.

- **Item 5.4 – Brogdale Farm, Brogdale Road, Ospringe ME13 8XU**

PINS Decision: APPEAL ALLOWED & COSTS REFUSED

Committee or Officer Decision : COMMITTEE DECISION

Observations

The application sought outline planning permission for a development comprising of light industrial / research and developments units, tourism accommodation and a nursery. The application was refused on the grounds of impacts to highway safety, harm to the setting of a listed building, the loss of BMV agricultural land, the impact on the character and appearance of the area and the conflict with the spatial strategy of the development plan.

The Inspector found that the highway proposals accorded with the relevant national standards and, notwithstanding the evidence provided by interested parties, it should not be concluded that the access was unsafe. Moreover, it was found that the access to sustainable modes of transport was sufficient to accord with national and local policy requirements.

The visual impact of the proposal was considered to be urbanising and harmful to the rural character, intrinsic value, landscape setting, tranquillity, and beauty of the countryside. This harm was afforded significant weight. Moreover, the loss of BMV agricultural land was found to be harmfully contrary to policy and it was found that the proposal would cause a medium amount of less than substantial harm to the setting of a heritage asset. These harms were afforded significant and great weight respectively.

However, the harms were deemed to be outweighed by the benefits of the proposal which include the provision of buildings and uses that would support the economic, tourist and education aspirations of local and national policies, particularly noting the association between the site and the National Fruit Collection. The weight given to each of these factors varied with most weight being given to the tourism benefits in this location. The proposal being acceptable or policy compliant was afforded weight as a positive and a benefit of the proposal in some respects, including in relation to ecology, accessibility and providing a planning obligation in relation to highways and air quality.

The appeal was, therefore, allowed.

In relation to the application for costs, it was considered that the applicant should have been given opportunity to respond to the evidence that was presented by the Parish Council shortly prior to the applicable Planning Committee meeting. The fact that this evidence appeared to have been important to the assessment of the Planning Committee and that the applicant had not had chance to comment on it was found to be prejudicial to their involvement and an example of unreasonable behaviour. However, the Inspector found that the appeal would have proceeded in any case and, therefore,

unnecessary or wasted expense had not been incurred. Despite the case of the applicant, no other unreasonable behaviour was identified and, as such, the application was refused.

- **Item 5.5 – Spade Lane, Hartlip, Sittingbourne, Kent, ME9 7TT**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

An enforcement notice had been served on the grounds of a breach of condition relating to a temporary permission. It was appealed on grounds a (planning permission should be granted), b (the breach has not occurred), f (the steps required by the notice are excessive) and g (the time for compliance is too short).

The condition limited the number of caravans that could be at the site and, with the onus of proof being on the appellant to demonstrate that it had not been breached and no evidence being provided that contradicted that of the Council, the Ground (b) appeal failed.

The Ground (a), (f) and (g) appeals were not considered by the Inspector as, in the time between the appeal being made and the appeal being considered, the temporary planning permission had expired. The Inspector, therefore, had no jurisdiction as the related permission and deemed application had fallen away.

The appeal was, therefore, dismissed.

- **Item 5.6 – 20 Park Road, Sittingbourne, ME10 1DR**

PINS Decision: APPEAL DISMISSED & COSTS REFUSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought to convert a building that is currently used as offices into three flats, with a replacement rear extension and landscaping. The main issue was the adequacy of the living conditions that would be provided to serve future residents.

Whilst the basement/ground floor flat was found to be of sufficient size to meet the Nationally Described Space Standards, the accommodation was considered to be compromised by the configuration of the building and the relationship between the habitable rooms and the external spaces. The reliance of a bedroom on a lightwell positioned beneath a stairwell was considered to provide occupiers with inadequate daylight and outlook.

One of the flats was proposed to be accessed from the stairwell at rear of the site, thereby causing occupiers to have to pass another flats bedroom window. The frequent footfall and activity within a metre of the bedroom window was found to be unacceptable

in terms of privacy and outlook. That window was also found to be unduly enclosed as a result of it looking out to a narrow passage.

Whilst the case of the appellant was noted, having regard to the view that such relationships should be found in historic urban areas, that occupiers of flats can be tolerant of such living conditions, that the Council cannot demonstrate a 5 year supply of housing, that the site is well located in terms of transport and services, that the proposal would derive economic benefits and that the proposal would re-instate a residential use to a residential area, the Inspector found that the harm and conflict with the development plan was unacceptable and the appeal was, therefore, refused.

In relation to the application for an award of costs, the appellant's case was that the application should have been found acceptable as the NDSS were mis-applied and, therefore, the appeal was unnecessary. Whilst the Inspector agreed that the standards should have been applied differently, it was identified that this was not the sole consideration and, for the reasons given above, the Inspector found that it was sound for the Council to have refused the application. A complaint that discussions were not enabled by Officers was rejected on the grounds that the Council is not necessarily required to do so. The costs application was therefore refused.

- **Item 5.7 – Land at Rides House Farm, Warden Road, Eastchurch, Kent ME12 4HA**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Prior approval was sought for the conversion of a building and its curtilage from agricultural use to residential use. Works were undertaken before prior approval had been sought and, therefore, the development could not be permitted development. That was the reason for refusal and the appeal was dismissed for that reason. The appellant's case that the works were minor, incomplete and not tantamount to a change of use was disregarded.

- **Item 5.8 – Land adj. Rides House, Warden Road, Eastchurch, Kent ME12 4HA**

PINS Decision: APPEAL DISMISSED & COSTS REFUSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the construction of two dwellings. The main issues were whether the location is a sustainable location for residential development and the effect on the character and appearance of the area.

The distance of the site from shops, schools and services and the inevitable dependence on cars was found to be contrary to Policy CP2 and the location of the development in the countryside was found to be contrary to Policies ST1, ST3 and CP3.

The proposal was considered to be of suburban character in a location that is currently characterised by the sporadic and functional pattern of the built form. It was found that *“The scheme would consolidate built form across the width of the site and erode the sense of openness that contributes to the area’s rural character.”* The applicant’s case that the proposal should be found to be visually acceptable was disagreed with by the Inspector.

Permissions that exist to convert buildings at the site were not found to be reason to reach a different conclusion in either respect. The Inspector had regard to housing supply requirements, the provision of EV charging and cycle parking, other appeal decisions at a neighbouring site and the economic benefits of development. However, having weighed all of these factors, it was concluded that the appeal should be dismissed.

The application for costs centred in the applicant’s view that permission should have been granted as the planning history and other permissions should have been given more weight and, in the interests of consistency, the application should have been refused. The Inspector disagreed and found that no unnecessary or wasted expenses were incurred by the appellant.